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# লাভের পদ নিয়ে কমিশনকে তোপ স্পিকারের

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৪ মে: এত দিন নির্বাচন কমিশন ছিল আক্রমণাত্মক ভূমিকায়। লাভজনক পদ বিতর্কে এ বার প্রকাশ্যে পাক্ষী আক্রমণ হানলেন লোকসভার স্পিকার সোমনাথ চট্টোপাধ্যায়। এই আক্রমণের নিশানা থেকে বাদ পড়লেন না মুখ্য নির্বাচন কমিশনার বি বি উত্তমও।

নির্বাচন কমিশনের মতো সাংবিধানিক সংস্থার বিরুদ্ধে লোকসভার স্পিকারের এই প্রকাশ্য আক্রমণে নতুন করে সঙ্কট তৈরি হল। সোমনাথের বক্তব্য, তিনি অনেক দিন চূপ করেছিলেন। নেহাং বাধ্য হয়েই আজ প্রকাশ্যে মুখ খুলতে হয়েছে।

সংসদের প্রতিটি অধিবেশন গেবেই স্পিকার সাংবিধানিক বৈঠক করেন। আজ সেই বৈঠকে প্রথম থেকেই কমিশনের বিরুদ্ধে আক্রমণাত্মক ছিলেন

সোমনাথবাবু। তিনি জানান, স্পিকারের আফসের চারিগ্রন্থ হন। স্পিকারের দাবি, “গত সাতেরো বছরে ত্রিনিদেজ-শান্তিনিকেতন উন্নয়ন সংস্থা থেকে এক পরসায় নিহনি। এটি কোনও ভাবেই লাভজনক পদের আওতায় আসে না। সুপ্রিম কোর্টের সাম্প্রতিক রায়ের এ প্রতিকূল ধরা পড়েছে। কেউ যদি এটিকে লাভজনক বলে দেখাতে পারে, পদত্যাগ করবা।”

গতকাল লোকসভার প্রাক্তন সেক্রেটারি জেনারেলের তর্কসনার বিষয়ে বিরোধীদের আচরণে এমনিতেই অস্বস্তিতে সোমনাথ। তা সত্ত্বেও আজ নির্বাচন কমিশনের ভূমিকার নিয়েই তিনি বেশি সর্বব ছিলেন। স্পিকারের আক্রমণের পরেও কমিশনের ওয়েবসাইটে থেকে কোনও নাম সরানো হয়নি। নির্বাচন কমিশনের বক্তব্য, লাভজনক পদ বিতর্কে কার কার

বিরুদ্ধে অভিযোগ এসেছে, তা

ওয়েবসাইটে দেওয়ার দাবি বিভিন্ন মহলে থেকে উঠেছিল। অভিযোগের ভিত্তিতে কী ব্যবস্থা নেওয়া হয়েছে, সেটিও সেখানে জানিয়ে দেওয়া হয়েছে। সংসদের উভয় সভাতে এই সংক্রান্ত বিল পাশ হয়ে গেলেও এখনও পর্যন্ত রাষ্ট্রপতির সম্মতি কমিশনের কাছে আসেনি। সে কারণে এখনও ওয়েবসাইটে অভিযোগের তালিকা থেকে গিয়েছে।

কমিশনের বিরুদ্ধে রাজনৈতিক দলের সংঘাত নতুন কিছু নয়। এর আগে স্পিকার কমিশনের বিরুদ্ধে নালিশ জানিয়ে রাষ্ট্রপতির দ্বারস্থ হয়েছিল। পাক্ষিমবঙ্গে নির্বাচন নিয়ে বৈষম্য করা হয়েছে বলেও সর্বব হয়েছিল স্পিকার। সংসদেও এ প্রসঙ্গ ওঠে। কিন্তু লোকসভার স্পিকার এ বার মুখ খোলায়

এই সংঘাত আরও এক ধাপ এগোলা।

স্পিকারের বিপরীত মেরুতে থাকা বিরুদ্ধে-ও সর্বব হয়েছে কমিশনের বিরুদ্ধে। তবে পৃথক বিষয়ে। নির্বাচন কমিশনার নবীন চাওলার অপসারণের দাবি তুলে বিজেপি ইতিমধ্যেই সুপ্রিম কোর্টের দ্বারস্থ হয়েছে। তার আগে রাষ্ট্রপতির কাছে প্রায় ২০০-র বেশি সাংসদের সই-সহ স্মারকলিপিও জমা দিয়েছে তারা। উক্তন জুন মাসের শেষে অবসর নিচ্ছেন। এর পরে এই পদে যদি নির্বাচন কমিশনার গোপালস্বামী আসেন,

তা-হলে তিনি অবসর নেন ২০০৯-এর এপ্রিলে। বিজেপির অভিযোগ, ২০০৯-এর লোকসভা নির্বাচন কংগ্রেস তাদের ‘ঘনিষ্ঠ’ নির্বাচন কমিশনার নবীন চাওলার নেতৃত্বে করাত চায়। কংগ্রেসের সেই ‘প্রয়াস’ আটকাতে বিজেপি এখন মরিয়া।

# EC must process pending appeals: Rajnath

BJP hails President's action returning the office-of-profit Bill

Special Correspondent

**NEW DELHI:** Bharatiya Janata Party president Rajnath Singh on Wednesday welcomed President A.P. J. Abdul Kalam's action returning the office-of-profit legislation, enacted by Parliament, for reconsideration.

Any legislation or amendment to Article 102 of the Constitution must be "transparent, must clearly define an office of profit and must be applicable to all legislators," he said here.

Just before a National Democratic Alliance delegation met the Election Commission, Mr. Singh demanded that the EC continue to process the pending appeals for disqualification. Only after it disposed of the petitions should fresh legislation on the issue be thought of. And this "should not be effective with retrospective effect."

Leader of the Opposition L.K. Advani and NDA convener George Fernandes led the delegation.

Mr. Singh told presspersons that Congress president Sonia Gandhi should have found the courage to face the completion of the process by the Commission, before which a disqualification petition had been pending on the issue of office of profit, and faced Parliament if she was totally innocent. The principles on the basis of which she resigned her Lok Sabha seat (before getting re-elected) still remained. With the President



**PRESENTING THEIR CASE:** NDA leaders arrive for a meeting with the Election Commission on the Office of Profit Bill in New Delhi on Wednesday. - PHOTO: V.V. KRISHNAN

returning the Bill, Mrs. Gandhi should resign the post she was holding.

The Congress had brought in the legislation only in "self-interest" and "to protect Mrs. Gandhi and a number of Communist Party of India (Marxist) leaders who were also facing petitions for their disqualification."

Mr. Singh, who was addressing the press conference a day

after the conclusion of the two-day BJP conclave, said the ruling coalition had eroded the authority and dignity of a number of constitutional offices. The Supreme Court commented on the action of the former Bihar Governor, who had recommended the dissolution of the Assembly and fresh elections; the Government "bypassed" the scrapping

of the Illegal Migrants (Determination by Tribunal) Act through the 'Foreigners' Act; a Minister in the UPA Government spoke harshly against the EC charging it with political and caste bias; and now the President returned the office-of-profit legislation. Mr. Singh released a 44-page booklet listing the "failures" of the two-year-old Manmohan Singh Government. From the Prime Minister's speech at Ox-

ford and the setting up of the Justice Banerjee Committee on the Godhra train carnage, to succide by farmers, price rise and the differences between the Congress and the supporting Left on economic issues, the booklet lists all "sins" committed by the ruling alliance. Its verdict: the two years of power have seen the UPA smile even as the

*aam aadmi* cries.

# Parliament to take up profit Bill

*J. Parliament*  
**Statesman News Service**

NEW DELHI, June 2: As expected, the Union Cabinet today did not consider the issue arising out of the President, Dr APJ Abdul Kalam's decision to return the office-of-profit Bill to Parliament for reconsideration.

Although the Manmohan Singh government is set to again send the same Bill to the President through the two Houses of Parliament in

accordance with Article 111 of the Constitution, the government's game-plan is not to appear in any undue haste or be seen as taking a confrontationalist line toward the President.

The Bill is to be again introduced in both the Houses of Parliament for in the monsoon session, slated for the latter half of July, without effecting any change in it and without advancing the session's schedule. Dr Kalam will have to give his assent to

*SP-1* the legislation *SP-6* if it is bounced back to him for a second time.

The Union parliamentary affairs minister, Mr Priya Ranjan Das Munshi, today made it clear after the Cabinet meeting that there was "no urgency" for the government in the matter and that the monsoon session will be held as scheduled. Mr Das Munshi did not comment on the government's reaction in the event of the Election Commission re-

activating its exercise to process the disqualification petitions pending against dozens of MPs, particularly from the Congress and the Left, for allegedly holding various offices of profit.

Both the government and the ruling Congress have stridently defended the Bill - Parliament (Prevention of Disqualification) Amendment Bill, passed by both the Houses in the Budget session.

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THE STATESMAN

# Govt to re-present profit bill in House

**New Delhi:** Unfazed by the President's action in returning the bill, government on Wednesday said it will re-present the legislation that seeks to exempt several posts from being considered office of profit in Parliament in the coming monsoon session and the cabinet will decide on whether it should be in the "present form or amended form."

Law Minister H R Bhardwaj told reporters that there was no lacunae in the bill passed by parliament in the middle of last month but since the President has returned it "we would respectfully reconsider it."

Dismissing suggestions that the action of the President was a "setback" to the government, he said this was part of the democratic process, which has various checks and balances. Besides, he said, if parliament approved the measure in its present form, then the President would have to give his assent.

Bhardwaj said he was in constant touch with Prime Minister Manmohan Singh on the issue and had already prepared a note for the consideration of the cabinet, which is meeting on Thursday.

The cabinet, he said, would decide on whether to bring the Parliament (Prevention of Disqualification) Amendment Bill to parliament in its present form or amended form. Replying to questions, Bhardwaj expressed confidence that the office of profit bill, passed by parliament, would pass judicial scrutiny. "I do not see any deficiency. We do not frame wrong legislations. But even the best of legislations are judicially challenged. The courts have the powers of judicial review," the law minister said.

Asked if the Election Commission could take action against MPs on the office-of-profit issue before the fresh legislation is tabled in parliament, the law minister said "I don't know ... can't say any-

thing on this. But we will table the bill as soon as possible, most probably in the monsoon session."

When pressed repeatedly whether the action of the President was a "setback" and an "embarrassment" for the government, he said "How can it be a setback? It has been passed by both Houses of Parliament. Later it was in the purview of the President and his direction will be respectfully considered."

He also refuted suggestions that it was wrong to give effect to the legislation retrospectively. "It is very much valid. There cannot be two question on this. Every now and then we revalidate the law. It is a valid concept in law."

To a question on the President's suggestion for a uniform law for the entire country, Bhardwaj said it was not possible as the state legislatures had different laws on the matter and had their own prerogative to declare any office as office of profit or exempt any one from the list. Congress chief Sonia Gandhi came under opposition fire again as the BJP-led NDA petitioned the Election Commission to act immediately on

pleas to disqualify lawmakers who have been accused of holding posts that can be considered offices of profit.

In a clear attack on Gandhi, a complaint against whom was filed before the Election Commission for heading the National Advisory Council while being a Lok Sabha member, the NDA urged the commission to send its recommendations urgently to the President regarding all disqualification pleas. An NDA delegation, which met the EC in the wake of the President returning the office-of-profit bill to parliament for reconsideration, also questioned that whether a lawmaker accused of holding an additional post can "escape" disqualification by resigning. AGENCIES



## PM meets Prez

Prime Minister Manmohan Singh on Wednesday met President A P J Abdul Kalam to articulate the government's position after the latter returned the controversial office of profit bill to parliament for reconsideration.

# বিল ফের কালামকে পাঠাতে আজ আলোচনা মন্ত্রিসভায়

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ৩১ মে: লাভজনক পদ নিয়ে রাষ্ট্রপতির বিরুদ্ধে কোমর বাঁধলেও রাজনৈতিক ভাবে নতুন করে যথেষ্ট অস্বস্তির মধ্যে পড়ে গেল মনমোহন সিংহের সরকার। এবং সেই সঙ্গে অস্বস্তিতে সনিয়া গান্ধীও। সরকারের বিরুদ্ধে যেমন প্রচারের নতুন অস্ত্র হাতে পেয়ে গেলেন বিরোধীরা, তেমনই ফের বিলটি সংসদে পাশ না হওয়া পর্যন্ত সনিয়া গান্ধীরও জাতীয় উপদেষ্টা পর্যদের চেয়ারপার্সন পদে ফেরার পথ বন্ধই হয়ে রইল।

লাভজনক পদ নিয়ে রাষ্ট্রপতির সঙ্গে সরকার সম্মুখ সমরে নেমেছে। প্রধানমন্ত্রী আজ সংসদে পাশ হওয়া বিলের যৌক্তিকতা বোঝাতে রাষ্ট্রপতির সঙ্গে সন্ধ্যায় বৈঠক করেছেন। কিন্তু এই আলোচনার আগেই সরকারের তরফে আইনমন্ত্রী হংসরাজ ভরদ্বাজ জানান, বিলটি যেমন আছে ঠিক সে ভাবেই আবার সংসদে পেশ করার পক্ষপাতী তিনি। এই ক্ষেত্রে কংগ্রেসের পাশে শরিকরা ছাড়াও যথারীতি রয়েছেন বামপন্থীরাও। সিপিএমের সাধারণ সম্পাদক প্রকাশ কারাট সে কথা স্পষ্ট করে দিয়ে বলেছেন, সংসদই এ বিষয়ে শেষ কথা বলবে। বিষয়টি নিয়ে আলোচনার জন্য কাল মন্ত্রিসভার বৈঠক বসবে। অবশ্য আজ পর্যন্ত সরকারের যা মনোভাব তাতে, বিলে কোনও সংশোধনী যুক্ত হওয়ার সম্ভাবনা নেই। বিলটি সংসদ আবার তাঁর কাছে পাঠালে রাষ্ট্রপতিকে স্বাক্ষর করতেই হবে।

রাষ্ট্রপতি ভবন থেকে বিলটি ফেরত আসার দিনেই দিল্লি হাইকোর্ট নির্বাচন কমিশনের কাছে জানতে চায়, কেন তারা অভিযুক্ত সাংসদদের বিষয়টি ফেলে রেখেছে। দুই অস্ত্রে বলীয়ান হয়ে আজ সক্রিয় হয়ে উঠেছে প্রধান বিরোধী দল বিজেপি। এ দিন বিরোধী দলনেতা লালকৃষ্ণ আডবাণী কমিশনের কাছে সরাসরি দরবার করেন, সনিয়া গান্ধী-সহ যে সব সদস্য লাভজনক পদে ছিলেন বা আছেন তাঁদের সেই সময়কার সদস্যপদ খারিজ করতে ব্যবস্থা নিক কমিশন। তাঁর বক্তব্য, সনিয়া পদত্যাগ করলেও যে সময় তিনি সাংসদ হয়েও লাভজনক পদে থেকেছিলেন, তখন তাঁর সদস্যপদ কমিশন খারিজ করেনি। সেটা এখনই করা উচিত। আডবাণীকে সঙ্গত করেছেন দলীয় সভাপতি রাজনাথ সিংহ, সাধারণ সম্পাদক অরুণ জেটলিও।

আডবাণী, মমতা বন্দ্যোপাধ্যায়ের মতো বিরোধীরা দেখাতে চাইছেন, নৈতিক ভাবে লাভজনক পদে থাকা সাংসদদের বাঁচাতে সরকার মরিয়া। এই বিষয়টিই এখন সরকারকে অস্বস্তিতে ফেলেছে। কারণ, সনিয়া-সহ দলের বহু সাংসদকে বাঁচাতেই কংগ্রেস দ্রুত ব্যবস্থা নিতে চেয়েছিল। এখন বিষয়টি আবার পিছিয়ে যাওয়ায় নির্বাচন কমিশনের ব্যবস্থাগ্রহণ প্রক্রিয়া ফের চলতে থাকবে। একই সঙ্গে বিল পাশ না হওয়ায় জাতীয় উপদেষ্টা পর্যদের চেয়ারপার্সন পদে সনিয়া গান্ধীর ফিরে আসা নিয়েও প্রশ্নচিহ্ন তৈরি হল।

কেউ কেউ একান্তে বলছেন, সামনের বছর তাঁর মেয়াদ শেষ হওয়ার আগে এ ভাবে রাষ্ট্রপতি নিজের ভাবমূর্তিকে

আরও উজ্জ্বল করার চেষ্টা চালাচ্ছেন। কিন্তু কালাম বিলটি ফেরত পাঠিয়ে যথেষ্টই অস্বস্তিতে ফেলেছেন সরকারকে। আসলে এমন ঘটনা সংসদের ইতিহাসে যথেষ্ট বিরল। দূর অতীতে রাষ্ট্রপতি রাজেন্দ্র প্রসাদ হিন্দু কোড বিল ফেরত পাঠিয়েছিলেন জওহরলাল নেহরুকে। রাষ্ট্রপতি জৈল সিংহ তৎকালীন প্রধানমন্ত্রী রাজীব গান্ধীকে অস্বস্তিতে ফেলেছিলেন ডাক বিভাগ সংক্রান্ত একটি বিল (যা সরকারকে যে কোনও চিঠি খুলে দেখার অধিকার তুলে দিত) ফেরত পাঠিয়ে। তার পর সরকার বিষয়টি নিয়ে আর এগোয়নি। নবম লোকসভার সময় পেনশন সংক্রান্ত একটি বিলও রাষ্ট্রপতি ভবন থেকে ফেরত আসে। এ বারের বিলটির সঙ্গে যে হেতু সনিয়া গান্ধী, লোকসভার স্পিকার সোমনাথ চট্টোপাধ্যায় বা প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায়ের নাম জড়িত, তাই বিল ফিরে আসায় ধাক্কার জোরটাও বেশি।

তবে ভরদ্বাজ বিষয়টিকে এ ভাবে দেখতে নারাজ। তাঁর বক্তব্য, এই ঘটনাটি সরকারের পক্ষে 'হতাশাজনক' নয়। এটি গণতান্ত্রিক প্রক্রিয়ারই অঙ্গ, যেখানে বিভিন্ন স্তরে ভারসাম্য রক্ষা এবং প্রতিরোধমূলক ব্যবস্থা রয়েছে। রাষ্ট্রপতির প্রস্তাব যে সরকার 'সম্মানের সঙ্গে বিচার করবে', সে কথাও সৌজন্যের সঙ্গে জানিয়েছেন তিনি।

এখন দেখার, বিলটি নতুন করে অনুমোদনের জন্য বাদল অধিবেশন এগিয়ে আনা হয় কি না। কাল বসছে কেন্দ্রীয় মন্ত্রিসভার বৈঠক। সেখানেই বিষয়টি স্থির হয়ে যাবে।

আগেই কোনও বিশেষ অধিবেশন থেকে বিল পাশ করিয়ে নেওয়ার প্রস্তাবও রয়েছে। কালকের বৈঠকের আগে নিজেদের মধ্যে বসছে চার বাম দল। পরে তারা এই বিষয়ে তাদের মতামত জানিয়ে দেবে।

বামেরা অবশ্য আগেই বলেছিলেন যে, সরকারের উচিত লাভজনক পদের সংজ্ঞা নির্দিষ্ট করে দেওয়া। এখন সংবিধানে বিষয়টির উল্লেখ থাকলেও তাঁর সংজ্ঞা নির্দিষ্ট করা নেই বলে তাঁরা মনে করেন। তবে আজ প্রকাশ বরুণাট বলেন, "সংজ্ঞা নির্দিষ্ট করার জন্য আমরা একটি কমিটি তৈরির দাবি জানিয়েছি। রাষ্ট্রপতি যে বিলটি ফেরত পাঠিয়েছেন, সংসদ সেটি পাশ করেছিল। কাজেই সংসদই এই সম্পর্কে আবার সিদ্ধান্ত নেবে। এর বেশি কিছু আমি আর বলতে চাই না।"

রাজনৈতিক শিবিরের মতে, এই বিলটি যাতে ফেরত পাঠান তার জন্য রাষ্ট্রপতির কাছে নিয়মিত দরবার করে গিয়েছেন বিরোধী নেতারা। সেই তালিকায় বিজেপি তো রয়েছেই, কালামের কাছে একটি চিঠি দিয়ে গিয়েছিলেন তৃণমূলনেত্রী মমতা বন্দ্যোপাধ্যায়ও। তিনি বলেছেন, সরকার বেআইনি বিষয়কে আইনি সিলমোহর লাগিয়েছে। এটা অনৈতিক। তিনি রাষ্ট্রপতিকে অনুরোধ জানিয়েছিলেন, বিলটি সই না করে ফেরত পাঠানোর জন্য।

# সাংসদদের বিরুদ্ধে অভিযোগের তদন্ত চালিয়ে যাবে কমিশন

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ৩১ মে: ফের নির্বাচন কমিশনের হাতে ৪৫ জন সাংসদের ভবিষ্যৎ।

তাঁদের বিরুদ্ধে সাংসদ হয়েও লাভজনক পদে আসীন থাকার যে অভিযোগ উঠেছিল, তা খতিয়ে দেখার প্রক্রিয়া নির্বাচন কমিশন বহুল রেখেছে। কারণ, সংসদে পাশ হয়ে গেলেও রাষ্ট্রপতি এখনও ওই বিলে সই করেননি। আর সংসদের পরবর্তী অধিবেশনে (যা জুলাইয়ের মাঝামাঝি বসার কথা) ফের বিল পাশ করানো এবং রাষ্ট্রপতির সই করা পর্যন্ত যে সময় থাকবে, তা সাংসদদের নোটিস পরানোর পক্ষে যথেষ্ট।

এমনকী ওয়াকিবহাল মহলের মতে, কোনও কারণে সংসদে বিল পাশ করতে দেরি হলে বা রাষ্ট্রপতি সই করতে সময় নিলে কমিশন আরও সময় পেয়ে যেতে পারে।

হলেও রাষ্ট্রপতি তাতে সই করেননি। তাই কমিশন এ ক্ষেত্রে আগের মতোই কাজ চালিয়ে যাবে। উপ-নির্বাচন কমিশনার আনন্দ কুমার জানান, কারও সাংসদ পদ খারিজ করা হবে কি না, সে ব্যাপারে রাষ্ট্রপতিকে সুপারিশ পাঠানোর প্রক্রিয়া চলবে। অভিযুক্তদের বিরুদ্ধে সবিস্তার তথ্য হাতে এলেই নোটিস দেওয়ার কাজ শুরু হবে।

জুলাইয়ের তৃতীয় সপ্তাহে সংসদের বাদল অধিবেশন শুরু হওয়ার কথা। তার আগে কমিশন যদি নোটিস দেওয়ার কাজ শুরু করে, তাহলে সরকারের পক্ষে মুশকিল। কারণ, প্রণব মুখোপাধ্যায়, শরদ পওয়ার-সহ সরকারের জন্য চারেক মন্ত্রীও অভিযুক্তের তালিকায় রয়েছেন। আছেন স্পিকার সোমনাথ চট্টোপাধ্যায়-সহ এক উজ্জন বাম সাংসদ।

আজই এনডিএ-র এক প্রতিনিধি দল কমিশনের কাছে অভিযুক্তদের বিরুদ্ধে দ্রুত ব্যবস্থা নেওয়ার দাবি জানিয়েছে। তাঁদের বক্তব্য, এক বার সাংসদ হিসাবে যোগ্যতা খোয়ালে পরে যদি বিলে রাষ্ট্রপতির সম্মতি পাওয়া যায়, তা-হলেও এঁদের 'অযোগ্য' ঘোষণা করা উচিত।

কমিশন সূত্রের মতে, এ যাবৎ ৬ জন সাংসদকে নোটিস দেওয়া হয়েছে। সরকার পরবর্তী অধিবেশন পর্যন্ত অপেক্ষা করলে এর মধ্যে আরও কয়েক জন সাংসদকে নোটিস পাঠানো হতে পারে। নোটিস দেওয়ার পর তাঁদের জবাব চাওয়া হয়। এ ক্ষেত্রে সাধারণত সাংসদরা সময় চান। পুরো প্রক্রিয়া শেষ হতে মাস দু'তিনেক সময় লাগে। ততটা সময় স্বাভাবিক ভাবে কমিশনের পাওয়ার কথা নয়। কিন্তু বিরোধীরা সংসদ অচল করে দিলে বা রাষ্ট্রপতি সই করার আগে আরও সময় নিলে কমিশন বাড়তি সময় পেতেও পারে। এই অস্বস্তিকর পরিস্থিতি মোকাবিলা করতে সরকার দ্রুত সংসদের বিশেষ অধিবেশন থেকে বিল পাশ করিয়ে দিতে পারে। দ্বিতীয় বার তা রাষ্ট্রপতির কাছে পাঠালে সংবিধান অনুযায়ী তিনি তাতে সই করতে বাধ্য। আর বিশেষ অধিবেশন ডাকতে না চাইলে বর্ষা অধিবেশন পর্যন্ত অপেক্ষা করতে হবে। সে ক্ষেত্রে সরকার অধিবেশন এগিয়ে আনতে পারে।

## লাভজনক পদ-বিতর্ক

সে ক্ষেত্রে সব দিক খতিয়ে দেখে সাংসদ পদ খারিজের সুপারিশ পাঠানোর সময়ও কমিশন পেতে পারে বলে কোনও কোনও মহলের আশঙ্কা। সরকার সংসদের অধিবেশনের সময় এগিয়ে আনলে আলাদা কথা, তা না হলে সাংসদদের ভাগ্য নির্ধারণের জন্য কমিশনের হাতে দেড় মাস সময় এসে গেল। এই সাংসদদের মধ্যে ২৯ জন লোকসভার। ১৯ জন সরকার পক্ষের।

যে কোনও কারণেই হোক, রাজসভায় লাভজনক পদ সংক্রান্ত বিলটি ১৭ মে পাশ হয়ে যাওয়ার পর আট দিন সেটি পড়েছিল রাজসভার চেয়ারম্যান ভৈরো সিংহ শেখাওয়ারের দফতরে। ২৫ মে রাষ্ট্রপতির কাছে বিলটি পাঠানো হয় তাঁর সম্মতির জন্য। এই বারো-তেরো দিনের মধ্যে বিষয়টি নিয়ে কমিশন অতিরিক্ত কোনও আগ্রহ দেখায়নি। এই পরিস্থিতিতে আবার দিল্লি হাইকোর্ট জানতে চেয়েছে রাষ্ট্রপতির সুপারিশের ভিত্তিতে নির্বাচন কমিশন কী ব্যবস্থা নিয়েছে। ২৪ জুলাই পরবর্তী সন্ধানির আগে হলফনামা পেশ করার নির্দেশও দিয়েছে আদালত।

কমিশনের পক্ষ থেকে আজ সাফ জানিয়ে দেওয়া হয়েছে, সংসদে পাশ

# রাষ্ট্রপতির সঙ্গে কথা মনমোহনের ইস্তফার দাবিতে পি জে পি-র বিল ফিরবে কালামের কাছে

৩১ মে— লাভজনক পদ সংক্রান্ত বিল  
নিয়ে আগামী কাল কেন্দ্রীয় মন্ত্রিসভার

দেবারুণ রায়, দিল্লি

আডাল করেছে। রাজনৈতিক মহলের  
খবর, সম্প্রতি কয়েকজন নেতা

বৈঠকে আলোচনা হবে। জানালেন আইনমন্ত্রী হংসরাজ  
ভরদ্বাজ। রাষ্ট্রপতি এ পি জে আব্দুল কালামের ফেরত-  
পাঠানো বিলের সঙ্গে সুপারিশের ওপর 'নোট' বা মন্তব্য  
ইতিমধ্যে তৈরি করেছে আইনমন্ত্রী। সেটি পাঠানো  
হয়েছে মন্ত্রিসভার কাছে। ভরদ্বাজ সাংবাদিকদের বলেন,  
গতমাসে সংসদে গৃহীত লাভজনক পদ (সাংসদ পদ খারিজ  
রোধ) সংশোধনী বিল ২০০৬-এ কোনও ত্রুটি নেই। তবে  
রাষ্ট্রপতি যেহেতু বিলটি ফেরত পাঠিয়েছেন, আমরা  
অত্যন্ত গুরুত্বের সঙ্গে তা পুনর্বিবেচনা করব। এটাকে  
কোনওভাবেই সরকারের 'শ্চাদপসরণ' বলা যায় না।  
পূর্ণতান্ত্রিক প্রক্রিয়ায় এরকম হয়েই থাকে। রাষ্ট্রপতি  
ফেরত পাঠিয়েছেন, লাভজনক পদের প্রশ্নে রাজ্যের ক্ষেত্রেও একই  
নিয়ম চালু করা হোক। কিন্তু রাজ্যের বিষয়টি কেন্দ্রের  
প্রক্রিয়ার ভুক্ত নয় বলে আমরা অভিমত দিয়েছি। সরকারি  
সূত্রে জানা গেছে, একই বিল সংসদের বাদল অধিবেশনে  
উপস্থাপন করা হবে। তারপর পাঠানো হবে রাষ্ট্রপতির কাছে।  
সেক্ষেত্রে রাষ্ট্রপতি সম্মতি দিতে বাধ্য থাকবেন। এদিকে,  
রাষ্ট্রপতি বিল ফেরত পাঠানোর পর রাতারাতি জেগে  
উঠেছে বি জে পি-এন ডি এ। সংসদে লাভজনক পদ বিলে  
ভোটভাঙা নিয়ে এন ডি এ বিভক্ত ছিল। শারদ যাদব,  
নীতীশ কুমাররা এই ইস্যুতে বি জে পি-র সঙ্গে থাকেননি।  
সংযুক্ত জনতা দলের মধ্যে সংখ্যালঘু জর্জ ফার্নান্ডেজ ও  
দ্বিধ্বিজয় সিং ছিলেন কোণঠাসা। কিন্তু আজ জর্জেরই  
নেতৃত্বে আদবানি, অরুণ জেটলি, সুখমা, রাজনাথরা  
পেঁপেছিলেন নির্বাচন কমিশনে, ট্যান্ডনের দরবারে।  
আদবানিদের দাবি: লাভজনক পদে থাকার অভিযোগ যে  
সব সাংসদের বিরুদ্ধে, তাঁদের সদস্যপদ খারিজ করে সেই  
সময় পদে নির্বাচন ঘোষণা করুক কমিশন। অরুণ জেটলি  
ট্যান্ডনের দরবারে সওয়াল করেন, সংবিধানের ১০২  
ধারায় বলা হয়েছে, সাংসদদের সদস্যপদ খারিজ হওয়ার  
কথা। ১০৩ ধারাবলে লাভজনক পদে থাকার দায়ে  
নির্বাচন কমিশন সদস্যদের বিরুদ্ধে প্রয়োজনীয় ব্যবস্থা  
নিনতে পারেন। অরুণ জেটলি বলেন, কমিশন এই যুক্তির  
বৈধতা মেনে নিয়ে বিবেচনার আশ্বাস দিয়েছেন।  
অন্যদিকে, কংগ্রেস পাণ্ডা প্রশ্ন তুলেছে বি জে পি-র  
বিশ্বাসযোগ্যতা ও দু'মুখা অবস্থান নিয়ে। এ আই সি সি-র  
মুখপাত্র জয়ন্তী নটরাজন আজ বলেন, ঝাড়খণ্ড সরকারের  
মুখ্যমন্ত্রী অবিলম্বে ইস্তফা দিয়ে তাঁর দল বি জে পি-র যুক্তি  
ও দাবির বৈধতা বা বিশ্বাসযোগ্যতা প্রমাণ করুন। কারণ,  
ঝাড়খণ্ডের সরকার সবচেয়ে আগে এই বিল এনে  
লাভজনক পদে থাকার জন্য সদস্যপদ খোয়ানোর আইন

রাষ্ট্রপতির সঙ্গে দেখা করেন। লাভজনক পদ নিয়ে  
রাষ্ট্রপতিকে তাঁদের অভিমত জানান। এঁদের মধ্যে ছিলেন  
তৃণমূল নেত্রী মমতা ব্যানার্জিও। এ প্রসঙ্গে কংগ্রেস মুখপাত্র  
বলেন, রাষ্ট্রপতি কার সঙ্গে দেখা করবেন বা করবেন না,  
সেটা তাঁর ব্যাপার। আমাদের কিছু বলার নেই। অন্যদিকে,  
বি জে পি সভাপতি রাজনাথ সিং ফের সোনিয়া গান্ধীর  
ইস্তফা চেয়ে বলেন। তিনি বলেন, যে নৈতিকতার কারণে  
সোনিয়া সাংসদ পদে ইস্তফা দিয়েছিলেন, রাষ্ট্রপতি বিল  
ফেরত পাঠানোর পর তা আরও জোরালো হয়েছে।  
সুতরাং, ফের পদত্যাগ করা উচিত সোনিয়ার। যদিও  
নির্বাচন কমিশন আগেই বলেছে, সোনিয়া গান্ধী পদত্যাগ  
করায় তাঁর ক্ষেত্রে খুলে-থাকা লাভজনক পদের মামলাটি  
অকেজো হয়ে গেছে। কিন্তু আদবানি, জেটলি, জর্জ-রা  
আজ ট্যান্ডনকে বলেন, ২০০৪-এ যেদিন সোনিয়া গান্ধী  
জাতীয় উপদেষ্টা কমিটির চেয়ারপার্সন হলেন, সেদিনই  
তো সংবিধান অনুযায়ী তাঁর সংসদ-সদস্যপদ খারিজ হয়ে  
যায়। অন্তত সে কথাটাই কমিশন লিখে দিক নির্দেশে। এবং  
অন্যান্য অভিযুক্ত সদস্যদের বিরুদ্ধে দ্রুত সিদ্ধান্ত নিয়ে  
আসনগুলি শূন্য বলে ঘোষণা করুক। এ আই সি সি  
মুখপাত্র অবশ্য বি জে পি ও এন ডি এ-র এই ধরনের  
দাবিকে নস্যাৎ করে দেন। বলেন, ওঁরা আসলে নির্বাচন  
কমিশনের গায়ে রাজনীতির কালি লাগাতে চাইছেন।  
নির্বাচন কমিশনের সাংবিধানিক কাজের প্রক্রিয়ার  
রাজনীতিকরণ করতে চান। এদিকে, প্রধানমন্ত্রী মনমোহন  
সিং আজ সন্ধ্যায় রাষ্ট্রপতির সঙ্গে দেখা করেন।  
লাভজনক পদ বিল নিয়ে রাষ্ট্রপতির কাছে তিনি  
সরকারের অবস্থান ব্যাখ্যা করেন বলে জানা গেছে।  
কলকাতার খবর, আজ দিল্লি থেকে ফিরে তৃণমূল নেত্রী  
মমতা ব্যানার্জি বলেন, আমরাই প্রথম ১১ সি পি এম  
সাংসদের বিরুদ্ধে লাভজনক পদে থাকার অভিযোগ  
করি। সেই ১১ জনের মধ্যে আছেন স্পিকার সোমনাথ  
চ্যাটার্জিও। আমাদের কথাকে গুরুত্ব দেওয়া হয়নি। ইউ  
পি এ নিজেদের বাম সাংসদদের বাঁচাতে অনৈতিক কাজ  
করেছে। আমরা এর প্রতিবাদ করেছি। প্রধানমন্ত্রীকে  
চিঠি দিয়েছি। রাষ্ট্রপতি বিল ফেরত পাঠানোর পর ইউ  
পি এ সরকারের ইস্তফা দেওয়া উচিত। সোমনাথ  
চ্যাটার্জি-সহ ১১ সি পি এম সাংসদকে সরানো উচিত।  
বুধবার তৃণমূল ভবনে এক সাংবাদিক বৈঠকে সৌগত  
রায় বলেন, রাষ্ট্রপতি কী করেন, তা দেখে নিয়ে আমরা  
পরবর্তী পদক্ষেপ নেব। প্রয়োজন হলে সুপ্রিম কোর্টে  
যাওয়া যেতে পারে।

01.06.2006

AAJKAL

# Office of profit: SC rejects Jaya plea against expulsion

EXPRESS NEWS SERVICE

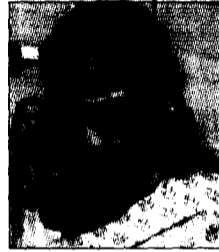
NEW DELHI, MAY 8

*9-Parliament*  
THE Supreme Court today rejected actor turned parliamentarian Jaya Bachchan's plea against her expulsion from the Rajya Sabha for holding an "office of profit".

The bench, comprising Justice Y K Sabharwal, Justice C K Thakker and Justice R V Raveendran, also clarified the law on the subject, saying it was enough if the office carried any remuneration and that it was immaterial whether the holder

of the office actually derived that. Fully backing the Election Commission's recommendation to the President to disqualify Jaya, the court said, "as of now, the Commission had no option in

keeping with the line of judgment". Observing that this was the stated position in law since 1954, the bench rejected arguments by Senior Counsel Fali Nariman that the law had been



Jaya Bachchan

changed by a 1975 decision of a division bench of the Apex Court.

The court said: "In view of the stated position from 1954 to the Shibu Soren case, the obser-

ventions made by the two-judge bench can be of no avail. In this regard, we do not find that the position whether petitioner received any actual remuneration is of no significance."

09 MAY 2006

INDIAN EXPRESS

# Office of profit: several posts may be exempted

40.1.175

## This was decided at a Cabinet meeting presided over by Prime Minister

**NEW DELHI:** The Government on Wednesday decided to amend the law to exempt several posts from being considered offices of profit. A bill to amend the Prevention of Disqualification of MPs Act, 1959 will be brought in this session of Parliament, beginning on Wednesday.

This was decided at a Cabinet meeting presided over by Prime Minister Manmohan Singh.

With over 40 MPs and over 200 State legislators across the political spectrum facing disqualification petitions, a bill to exempt several posts from being considered office of profit has

been finalised. There are indications that the draft bill included the post of Chairpersonship of the National Advisory Council (NAC) among the list of offices to be exempted. But there was no finality over whether it would find mention in the legislation to be brought in Parliament, sources said.

Congress president Sonia Gandhi, who resigned from the Lok Sabha and as Chairperson of

the NAC at the height of the controversy when the BJP and the TDP filed disqualification petitions against her in March, is said to be averse to naming the post in the to-be-exempted list.

The issue of legislation has gained urgency in the light of Monday's Supreme Court judgment which sent alarm bells among various parties whose leaders could be affected by the petitions.

The Left parties whose several MPs, including Lok Sabha Speaker Somnath Chatterjee, face disqualification petitions has asked the Government to amend the law to exempt several posts from being considered an office of profit.

The Bill may also seek to exempt the post of Chairman of Sriniketan-Shantiniketan Development Authority from list of office of profit. — PTI



MORE EXEMPTIONS IN OFFICE OF PROFIT

# Cabinet okays amendment

Statesman News Service

NEW DELHI, May 9: After a three-month wait, the Union cabinet tonight decided to amend the existing legislation to exempt more posts from being considered an "office of profit".

It will bring a Bill to amend the Prevention of Disqualification of MPs Act, 1959 in the extended Budget session of Parliament beginning tomorrow.

The law minister, Mr HR Bhardwaj, has been authorised by the Cabinet to consult various parties and draw up a list of exempted posts. The defence minister, Mr Pranab Mukherjee, has been asked to consult MPs and leaders of political parties, the parliamentary affairs minister, Mr PR Das Munshi, told reporters after the cabinet meeting.

He parried a question whether chairmanship of the national advisory council would be among the exempted posts and said the law and defence ministers would consult political parties. "It will be difficult to specify any post," he said.

The controversy erupted after Mrs Jaya Bachchan, a former Samajwadi Party member of the Rajya Sabha, was disqualified for holding an office of profit. This later threatened to open up a Pandora's Box as many legislators across the

## Speaker not to preside

NEW DELHI, May 9: Mr Somnath Chatterjee, who held an all-party pre-session meeting, indicated that he would not be presiding over the House proceedings when a legislation on the issue is brought by the government. "If any subject is discussed in which the Presiding Officer is interested, there are well-established conventions," he said. He had not attended the last two days of first half of the Budget session in the wake of this controversy. ■ SNS

political spectrum were found to be holding offices of profit.

After this Mrs Sonia Gandhi resigned from the Lok Sabha as she was holding an office of profit as chairperson of the National Advisory Council and later from the NAC as well.

### BJP cautious

The BJP today cautiously reacted to the government's decision to amend the law, saying it would like to know the details of the posts to be included.

"Let them come out with the details of the posts. We would like to know whether it includes the post of the NAC chairman," the BJP deputy leader in Lok Sabha, Mr VK Malhotra, said. The BJP has been maintaining that it is against the dilution of constitutional provisions pertaining to office of profit.

Earlier in the day, the Left leaders said the office of profit controversy could be resolved if an all-party parliamentary committee could be constituted to define the term precisely and suggest legislative

measures.

After their meeting, the Left said the government had sought views of political parties but no "draft" other than the existing Act was circulated.

The Left's suggestion would be conveyed to the defence minister, Mr Pranab Mukherjee, the CPI general secretary, Mr AB Bardhan, said.

He said members of Parliament faced disqualification because the list of offices exempted had not been revised since 1989. He said over the years, several committees and councils were constituted and MPs were required to join them. They did not derive any pecuniary benefit from such offices. In some cases, MPs and MLAs were associated with bodies which had provisions for inclusion of the elected representatives in their managements. The Sunderbans Development Board was one such case.

Sources said except for the BJP, all the parties favoured a legislation with retrospective effect on the matter.

# Bill reflects will to profit from office

JAY Raina  
New Delhi, May 9

THE GOVERNMENT intends to protect the office of the National Advisory Council chairperson and at least 28 other posts from the bar on offices of profit for members of Parliament.

A bill to amend the Prevention of Disqualification of MPs Act, 1959, will be introduced early next week in the second segment of Parliament's budget session beginning Wednesday. The draft amendment bill that was okayed on Tuesday by the cabinet, chaired by the PM, will need simple majority support in Parliament since it will not be a constitutional amendment bill.

On the office of the chairperson of the NAC, headed earlier by Sonia Gandhi, sources said the changes would ensure smooth monitoring and implementation of the common minimum programme and other socio-economic development programmes across the country. But the decision on whether Sonia should head the NAC has been left to her.

In the list of 28 autonomous bodies, institutions and authorities to be inserted in the 1959 Act for protection against any kind of disqualification, at least 14 are West Bengal-centric. This includes the Sriniketan Santiniketan Development Authority headed by Lok Sabha Speaker Somnath Chatterjee.

The Uttar Pradesh Development Council chaired by Samajwadi Party leader Amar Singh

and the Irrigation and Flood Control Commission from the same state will also be inserted in the list of exempted bodies.

The new additions to the protected list of offices of profit will be in effect retrospectively from April 4, 1959. Currently, around 250 petitions against legislators (including 46 MPs) are pending before the EC. Jaya Bachchan has already been disqualified from the Rajya Sabha under the existing law.

The Cabinet note on the proposed amendments to the 1959 Act makes a reference to about 40 or more members of both Houses of Parliament facing disqualification on account of holding offices of profit.

## TO BE EXEMPT



**Sonia Gandhi**

The National Advisory Council chair she had resigned from



**Somnath Chatterjee**

LS Speaker, he heads Sriniketan Santiniketan Development Authority



**Amar Singh**

The Samajwadi Party leader heads the UP Development Council

'NO DEMILITARISATION TILL TERROR ENDS'

# Doda killings rock Houses

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**Statesman News Service**

NEW DELHI, May 15: Both Houses of Parliament were rocked over the issue of recent killings of innocent people by terrorists in Doda and Udharnagar districts of Jammu and Kashmir causing adjournments and a heated discussion through an Opposition-sponsored adjournment motion. Expectedly, the motion was defeated by voice vote after a reply by the home minister, Mr Shivraj Patil, who firmly ruled out demilitarisation of the state without first restoring peace.

As the House was about to take up question hour, agitated BJP and other NDA members stormed the well of the House and demanded an immediate discussion on the situation in Jammu and Kashmir. Speaker Somnath Chatterjee tried to restore order and asked the members to raise the issue during Zero Hour. However, the BJP members led by its deputy leader Mr VK Malhotra continued to raise slogans against Jammu and Kashmir chief minister Mr Ghulam Nabi Azad and demanded sus-

pension of question hour. In an effort to sort out the matter, the Speaker adjourned the House for 15 minutes.

Mr Chatterjee, however, allowed a discussion during Zero Hour under the BJP-sponsored adjournment motion. Leader of the Opposition Mr LK Advani, said he was convinced that the violence was orchestrated to terrorise the minority community people to leave the state. It was on the same lines as was witnessed in 1989 when as many as three lakh Kashmiri pandits were made to leave the Valley, he said. He accused the government of being soft on "cross-border terrorism" and succumbing to Pakistan's pressure to demilitarise the violence-ridden state.

Countering these charges, parliamentary affairs minister Mr PR Dasmunsi said Mr Advani was deliberately using terms like "ethnic cleansing" and a giving religious connotation to the Doda violence to "divide the J & K society on communal lines and take political advantage".

Mr VK Malhotra said the

decision to withdraw 30,000 troops from the state was responsible for the Doda killings.

In a rare speech after losing power in 2004, former prime minister Mr Atal Bihari Vajpayee, cautioned the government against falling prey to Pakistan's move on demilitarisation. This should be agreed to only after dismantling all terrorist camps and restoring genuine peace, he said.

Replying to the discussion, home minister Mr Shivraj Patil assured the House that there would be no demilitarisation or reduction of forces in the state until and unless terrorist activities ceased and there was peace and tranquility. He also strongly defended the process of dialogue initiated by government with

responsible individuals and leaders of political groups in the state.

The Rajya Sabha too saw some unruly scenes with the BJP insisting upon the Prime Minister, the home minister or the defence minister to be present during the debate. As neither side was willing to give ground, the House saw four adjournments.

# লাভজনক পদের তকমা থেকে ছাড় পাচ্ছে রাজ্যের ১৭ সংস্থা

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ১৫ মে: লাভজনক পদ আইনের সংশোধন না করলে বহু আসনে উপনির্বাচন অনিবার্য। তেমনটা যাতে না হয় সেই জন্যই যে আইন বদলের সিদ্ধান্ত, শেষ পর্যন্ত তা মেনে নিল কেন্দ্র। সংশ্লিষ্ট আইন পাল্টাতে কাল সংসদে বিল আনছে ইউপিএ সরকার।

কেন্দ্রীয় আইনমন্ত্রী হংসরাজ ভরদ্বাজের মতে, লাভের পদ বিতর্কে ইতিমধ্যেই চল্লিশ জনের বেশি সাংসদের বিরুদ্ধে অভিযোগ উঠেছে। যদি এই প্রক্রিয়া চলতে থাকে তা হলে সংসদের উভয় কক্ষেই শূন্যপদ তৈরি হবে। এর পরিণতি হিসাবে উপনির্বাচন অবধারিত। নির্বাচন মানেই বিরাট খরচের ধাক্কা। এই পরিস্থিতি এড়াতেই ১৯৫৯ সালের সাংসদ পদ খারিজ রদ আইন আইন সংশোধনের সিদ্ধান্ত নিয়েছে সরকার।

রেট্রোস্পেক্টিভ পদ্ধতিতে (১৯৫৯ সালের ৪ এপ্রিল থেকে কার্যকর) সংশোধিত আইনের তিন নম্বর ধারায় কোন পদগুলিকে 'অফিস অফ প্রফিট'-এর আওতায় রাখা হবে না, তার একটি তালিকা তৈরি করা হয়েছে। জাতীয় উপদেষ্টা পরিষদ-সহ প্রায় পঞ্চাশটি পদের তালিকার মধ্যে পশ্চিমবঙ্গেরই ১৭টি পদ। রাজ্যের সাংসদরা এই পদগুলিতে রয়েছেন। খসড়া বিল চূড়ান্ত হওয়ার পরেও বিভিন্ন দলের তরফে অনুরোধ আসা থামছে না। ফলে ভবিষ্যতে সংশোধনের আওতায় আরও পদ আসতে পারে। সরকার সকলকে সন্তুষ্ট করেই আইন সংশোধন করতে চায়।

বিধিবদ্ধ ও বিধিবদ্ধ নয় এমন বিভিন্ন সংস্থার চেয়ারম্যান, ডেপুটি চেয়ারম্যান, সচিব বা সদস্য, সোসাইটি বা ট্রাস্টকেও এই বাতিলের তালিকায় রাখা হয়েছে।

প্রস্তাবিত সংশোধনে বলা হয়েছে, বিভিন্ন আদালত বা অন্য সংস্থায় এই সংক্রান্ত যে সব মামলা চলছে, আইন সংশোধন হলেই সেগুলি নতুন আইন অনুসারে নিষ্পত্তি করতে হবে। অমর সিংহের 'উত্তরপ্রদেশ উন্নয়ন পরিষদ'কেও এই তালিকায় অন্তর্ভুক্ত করা হয়েছে। নির্বাচন কমিশন ইতিমধ্যেই অমর সিংহকে নোটিস দিয়েছে। কমিশন সূত্রে জানানো হয়েছে, সরকার যদি রেট্রোস্পেক্টিভ পদ্ধতিতে আইন পাশ করে, তা হলে কমিশনের কাছে থাকা অভিযোগ খারিজ হয়ে যাবে।

কেন্দ্রীয় আইন মন্ত্রকের মতে, এ ভাবে আইন সংশোধন করা ছাড়া এই মুহুর্তে আর কোনও উপায় ছিল না। কারণ, কোনও পদকে 'লাভজনক পদ'-এর আওতার বাইরে রাখতে হলে মোটামুটি তিনটি পদ্ধতি অবলম্বন করতে হয়। এক, সেই পদ গঠনের সময়ই সেটিকে লাভের পদের আওতায় বাইরে রেখে দেওয়া। দুই, লাভের পদ বিষয়ক সংসদের যৌথ কমিটির সুপারিশ অনুযায়ী কেন্দ্রীয় ও রাজ্য সরকারের মাধ্যমে উপযুক্ত ব্যবস্থা নেওয়া। এবং তিন, ১৯৫৯ সালের আইন সংশোধন করে বাতিলের তালিকায় আরও পদ অন্তর্ভুক্ত করা। এই আইন সংশোধন করার অধিকার রয়েছে সরকারের।

'দ্য পার্লামেন্ট (প্রিভেনশন অফ ডিসকোয়ালিফিকেশন) অ্যামেন্ডমেন্ট বিল, ২০০৬'-এ বাতিলের তালিকায় পশ্চিমবঙ্গের যে পদগুলি রাখা হয়েছে, সেগুলি হল: ১) ইন্ডিয়ান স্ট্যাটিস্টিক্যাল ইন্সটিটিউট, ২) ওয়েস্ট বেঙ্গল হ্যান্ডিক্রাফটস ডেভলপমেন্ট কর্পোরেশন লিমিটেড, ৩) ওয়েস্ট বেঙ্গল স্মল ইন্ডাস্ট্রিজ ডেভলপমেন্ট কর্পোরেশন লিমিটেড, ৪) শ্রীনিকেতন-শান্তিনিকেতন ডেভলপমেন্ট অথরিটি, ৫) হলদিয়া ডেভলপমেন্ট অথরিটি, ৬) ওয়েস্ট বেঙ্গল মাইনিং অ্যান্ড ফিন্যান্স কর্পোরেশন, ৭) হুগলি রিভার ব্রিজ কমিশনারস ৮) ওয়েস্ট বেঙ্গল ওয়াকফ বোর্ড ৯) ওয়েস্ট বেঙ্গল ফিসারিজ ডেভলপমেন্ট কর্পোরেশন লিমিটেড, ১০) ওয়েস্ট বেঙ্গল স্টেট হুজ কমিটি, ১১) আসানসোল-দুর্গাপুর ডেভলপমেন্ট অথরিটি, ১২) ওয়েস্ট বেঙ্গল ফার্মাসিউটিক্যাল অ্যান্ড ফাইটোকেমিক্যাল ডেভলপমেন্ট কর্পোরেশন লিমিটেড, ১৩) ওয়েস্ট বেঙ্গল পাওয়ারলুম অ্যান্ড হ্যান্ডলুম ডেভলপমেন্ট কর্পোরেশন লিমিটেড, ১৪) ওয়েস্ট বেঙ্গল খাদি অ্যান্ড ভিলেজ ইন্ডাস্ট্রি বোর্ড, ১৫) সোসাইটি ফর সেক্স এমপ্লয়মেন্ট ফর আরবান ইউথ সোসাইটি, ১৬) হাওড় ইমপ্রুভমেন্ট ট্রাস্ট। এর বাইরেও কৃষি ও খাদ্য প্রক্রিয়াকরণ সংস্থাগুলিকে এই তালিকায় আন হয়েছে। মল্লিকঘাট ফুল সমিতির মতো সংস্থাগুলিও এর ফলে লাভের পদের আওতা থেকে বাদ যাচ্ছে।

16 MAY 2006

# Office-of-profit Bill passed

*Parliament*

## NDA stages walkout in Lok Sabha opposing the legislation

Special Correspondent

**NEW DELHI:** The Lok Sabha on Tuesday passed by voice vote the Parliament (Prevention of Disqualification) Amendment Bill, 2006, which seeks to address the office-of-profit controversy.

While the National Democratic Alliance (NDA) opposed the Bill, there was unanimity across the floor on the need to define what constituted an "office of profit".

Responding to the near-unanimous demand for setting up an all-party committee to define it and take a fresh look at Article 102 pertaining to disqualification, Law Minister H. R. Bhardwaj said the Government was open to the suggestion. "If the House wants to amend the Constitution, it can be done." The

• **If House wants to amend Constitution, it can be done: Bhardwaj**

• **Government trying to bulldoze Parliament: Advani**

Bill under consideration "is a limited measure" to prevent disqualification of some MPs occupying posts which could be termed "offices of profit".

### "Travesty of fact"

The Minister said the Opposition charge that the Bill was aimed at protecting Congress president Sonia Gandhi was a "travesty of fact". "I am duty-bound to bring in this legislation to protect all MPs." It had been

drawn up on the basis of the Supreme Court judgment in the Jaya Bachchan case.

Earlier in the pre-lunch session, the Bill was introduced amid an NDA walkout protesting the inclusion of National Advisory Council (NAC) chairperson among the offices exempted from disqualification.

Leading the walkout, Leader of the Opposition L.K. Advani said a Constitution amendment should be brought in to exempt the office.

The post of NAC chairperson was virtually a constitutional office and the whole country was aware that in actual practice the then incumbent had become a "super Prime Minister."

Every one agreed that the office of Prime Minister had been devalued, the BJP leader said.

Charging the Government with trying to "bulldoze" Parliament by insisting that the Bill be taken up for consideration and passage the same day it was introduced, Mr. Advani said the procedure waiving the requisite notice was not right.

Frequent interruptions by Congress chief whip Madhusudan Mistry, who said Mr. Advani could raise objections during the debate, evoked a sharp remark from him.

"Why do you allow this kind of sycophancy to prevail in the party? As chief whip, you want to show that you have raised the issue. Nothing else."

Another report on Page 13

17 MAY 2006

# Office of profit: the wages of neglect

N. Ravi

**T**HE PRACTICE of appointing legislators to executive offices carrying all or some of the appurtenances and perquisites of ministerial posts has over the decades come to be accepted as a way of sharing the spoils of power more widely. Little thought was given to the consequences until a sleeper clause in the Constitution exploded with full force, unseating Jaya Bachchan and threatening to disqualify dozens of members of Parliament. Article 102:1 (a) disqualifies from Parliament any member who holds an office of profit under the Centre or any of the State governments, unless such an office is specifically exempted from disqualification by a law. Parliament had passed the Parliament (Prevention of Disqualification) Act, 1975, exempting several offices from disqualification and had updated the list only sporadically up to 2000. Meanwhile, the appointment of legislators to various State and national bodies continued apace, oblivious to the danger that they would run afoul of Article 101:1(a) and the corresponding Article 191:1(a) providing for the disqualification of State legislators. It is only now that the wages of this neglect are becoming apparent.

The Election Commission had, as of May 8, received through the President 31 petitions seeking the disqualification of some 43 members of Parliament under Article 102:1(a). Of these, it had disposed of two — the one relating to Congress president Sonia Gandhi being the Chairperson of the National Advisory Council as she resigned from the Lok Sabha and the other on the BJP leader Vijay Kumar Malhotra holding office as President of the All India Council for Sports on the ground it did not relate to a post-election disqualification. Of the rest, even if some are found not to be holding offices of profit, it is quite likely that many may be disqualified, setting off a mini-general election. The disqualification clause would seem to pose an even bigger problem in the States, particularly with governments resting on precarious majorities where several legislators left out of the Ministries have had to be rewarded with offices in government bodies. The Election Commission

Ignorance of the law is no excuse, as countless petty litigants are reminded every day in courts across the country, and it is inexplicable that so many members of Parliament should have allowed themselves to be ambushed by a fundamental provision of the Constitution.

has received petitions seeking the disqualification of some 243 legislators in 18 States.

With the fate of so many members across the political spectrum hanging in the balance, Parliament was faced with a classic political dilemma. Should they follow their collective interest and pass a law exempting the offices held by all the sitting members from disqualification? If MPs who till the other day were engaged in a fierce combat over the issues concerning the people were to show a rare unanimity — seen typically when their pay and allowances are involved — in the pursuit of the interest of a large section of their colleagues, it would only strengthen public scepticism and reinforce their image as a self-serving political class. The Congress party's panic reaction in getting parliament adjourned to pave the way for an ordinance exempting its president Ms. Sonia Gandhi and other members from disqualification brought in a new twist that was seized upon by the BJP-led opposition whose stakes in the disqualification issue were far lower than of the Congress and the Left. With Ms. Gandhi's resignation, the ordinance route was abandoned and Parliament has been reconvened, but the issue of how far Parliament could be seen as going in furtherance of the personal interest of some of its members still remains. Whether the Chairperson of the National Advisory Council should be exempted from disqualification also continues to be a live issue, as the NDA's opposition to the Bill passed by the Lok Sabha shows.

The second dilemma is constitutional and legal. The constitutions of almost all democracies bar legislators from holding executive offices

other than as Ministers in a parliamentary system. The American Constitution has an "ineligibility clause" which imposes an absolute bar: "no person holding any office under the United States shall be a member of either House during his continuance in office." In the United Kingdom, The House of Commons (Disqualification) Act of 1975 lists a large number of public offices, judicial and executive, whose holders would be disqualified from membership. Article 101:1(a) of the Indian Constitution has adopted a third course, generally barring dual office holding, but empowering Parliament to exempt certain offices from disqualification.

The rationale behind such a bar lies in the broad separation of legislative and executive powers and in preventing legislators from being corrupted by appointments to offices by the executive. There is the danger of such blandishments luring them away from their commitment to furthering the interests of the people whom they represent to doing the bidding of the government. As the Supreme Court put it, "A person who is elected to a legislature should be free to carry on his duties fearlessly without being subjected to any kind of governmental pressure. If such a person is holding an office which brings him remuneration and the government has a voice in his continuance in that office, there is every likelihood of such a person succumbing to the wishes of the government." On another occasion, it went on to say that the bar on legislators holding public offices was "intended to eliminate the possibility of a conflict between duty and interest and to maintain the purity of the legislature."

The term "office of profit" is not defined in the Constitution but Supreme Court decisions over the years have laid down tests to determine whether a post held by a legislator would come within its ambit. First, it must be an office, that is, a continuing, permanent position rather than a temporary or a one-off engagement. Second, such an office must be under the Centre or the government of any State. The government must have the power to appoint and remove the person from office, with remuneration being paid out of public funds, and he must be performing some function on behalf of the government. It may not be necessary for all these criteria to coexist in a particular case, and the court will go by the overall nature of the relationship between the office and the government. Again, even an office in a body under the government to which the government is empowered to appoint and remove persons — such as an auditor in a government company — may be covered.

Third, the office must be associated with some "profit" to the holder over and above the expenses involved in the discharge of duties. Such profit may include "honoraria", housing, car and other facilities. In deciding whether a post is an office of profit, the court will look at the entitlement of the office rather than what the holder actually draws. Thus grand gestures of renunciation that some well known public figures are prone to make on assuming office, such as giving up any honoraria or other payments due, may not help, as Ms. Jaya Bachchan learnt to her cost. The Parliament (Prevention of Disqualification) Act provides a general exemption for appointments to statutory and non-statutory bodies provided the office holder does not receive anything more than a "compensatory allowance", that is anything more than the level of allowances that an MP is entitled to. In the case of Ms. Bachchan, the office of Chairperson of the U.P. Film Development Council was entitled to an honorarium of Rs.5,000 a month and to allowances for travelling that were higher than what MPs are entitled to, though she had personally drawn no money at all.

Ignorance of the law is no excuse, as countless petty litigants are reminded every day in courts across the country, and it is inexplicable that so many members of Parliament should have allowed themselves to be ambushed by a fundamental provision of the Constitution. Yet, given the circumstances, Parliament could within reason use its power under the Constitution to exempt the offices being held by sitting MPs from disqualification. This power, in the view of the Supreme Court, can be used with retrospective effect as well, to save the membership of those against whom disqualification petitions are pending before the Election Commission. The latest bill by seeking merely to list the specific offices held by the sitting members and exempt them from disqualification without looking at the broad categories that might be granted exemption on the basis of some rationale, would seem to offend democratic sensibilities as coming to the aid of just those members in trouble, rather than advancing any general principle. It would have been more reasonable to exempt those offices with a condition that the members resign from them within a reasonable time limit, say three or six months. In fact, the Parliament (Prevention of Disqualification) Act, 1959, adopted a similar course, granting exemption to offices it did not exempt, but which the earlier acts it replaced had exempted, provided the members resigned the offices within six months.

The Government would have done well to heed a faint warning in one of the Supreme Court judgments: "Classification of such offices for the purpose of removing the disqualification has thus been left primarily to legislative discretion. It follows that so long as this exemption power is exercised reasonably and with due restraint and in a manner which does not drain out Article 191(a) of its real content or disregard any constitutional guarantee or mandate, the court will not interfere." Whether or not this was just a passing observation may be debatable, but it may provide enough of a peg to hang a constitutional challenge on.

## CARTOONSCAPE



# "Office of profit" Bill passed by Parliament, seeks to exempt 56 posts

109 members, including Manmohan Singh, vote in favour of the Bill in the Rajya Sabha

Special Correspondent

**NEW DELHI:** Parliament on Wednesday approved a Bill seeking to exempt 56 posts, including the Chairpersonship of the National Advisory Council, from being considered as office of profit and attracting disqualification as Parliamentarians, with the Rajya Sabha approving it through a division.

## BJP, allies walk out

Although the Bharatiya Janata Party and its supporting parties had walked out of the House after a voice vote and it was evident that the United Progressive Alliance and the Left Parties were in a majority, lone Trinamool Congress member Dinesh Trivedi insisted on a vote. As many as 109 members, including Prime Minister Manmohan Singh and several of his ministerial colleagues, voted in favour of the Bill while three were against it.

In a combative reply that drew protests from the Opposi-

• **Jaitley dubs the Bill "an all-time low in Indian legislative history"**

• **Alleges the Bill is meant to preserve the Government in power**

• **Says holding point of coalition is Common Minimum Profit**

tion benches and compelled Deputy Chairman Rehman Khan to expunge some observations, Union Law Minister Hansraj Bhardwaj said it was the Janata Party Government that overturned a Constitutional amendment listing the prohibited offices. "We tried it once which was an easier method. But the Government which included Atal Bihari Vajpayee and L. K. Advani brought a law."

Responding to pleas from the Opposition and Left Parties for a comprehensive law defining "office of profit", Mr. Bhardwaj said the Government welcomed unanimity but no definition could be coined without a Constitutional amendment. As Sushma Swaraj

(BJP) pointed out that her party was against diluting the spirit of the relevant article in the Constitution and favoured a one-time exemption, the Minister pointed out that several offices of profit had been added over time, including the post of Leader of Opposition.

Initiating the discussion, BJP leader Arun Jaitley said the Bill presented "an all-time low in Indian legislative history": "More than anything else, this Bill was brought to preserve the Government in power. The bulk of the offices exempted show favours to the members from West Bengal. In any debate in the House, the Left parties attempt to occupy a high moral ground but in

this Bill every office of profit that has been exempted has a face behind it. This is the price of support that the Left parties are trying to extract, virtually holding the Government to ransom. The holding point of the coalition is not the Common Minimum Programme but Common Minimum Profit."

Mr. Trivedi also made the same charge against Parliamentarians from Left Parties and said he would approach the Supreme Court against the move. To this, the Law Minister said the Government had attempted to evolve a consensus in public good and to save money. C. Ramachandraiah accused the Government of "abusing" the institution of Parliament by especially convening a session in which the "Government does not have business and the Opposition does not have the issues only to save the skin of certain individuals".

Syed Aziz Pasha (Communist Party of India) delivered his maiden speech.

18 MAY 2006

The Hindu

# Kalam returns profit Bill, wants comprehensive law

HT Political Bureau  
New Delhi, May 30

PRESIDENT A.P.J. Abdul Kalam has returned for reconsideration by the two Houses of Parliament the Bill amending the Parliament (Prevention of Disqualification) Act 1959 which exempts certain offices from being considered as offices of profit.

In doing so, he exercised the powers conferred on him by Article 111 of the Constitution.

The message he sent to the two Houses along with the Bill said there should be a comprehensive criterion that is "just, fair and reasonable" and could be applied to all states and UTs in a "clear and transparent manner".

The other two points which he asked Parliament to reconsider were about the propriety of passing the legislation with retrospective effect and the implication of including in the amendment such offices for which petitions for disqualification were already under process by competent authorities.

Sources told *HT* that the Bill and the presidential message had been sent to RS chairman Bhairon Singh Shekhawat and LS Speaker Somnath Chatterjee.

The immediate impact of the presidential move is built into the

## From Prez to Parliament

### RECEIVED

The President had received the Bill on May 25 for assent

### SENT BACK

Sources say he studied the amendment and consulted experts before deciding to return it

### NOW WHAT?

The two Houses will have to pass Bill again for it to be binding on the President



provisions of Article 111 that states that the legislation will have to be passed again by Parliament for it to be binding on the President. A mere return of the Bill by the government to Kalam is unlikely to result in automatic assent.

Sources said Kalam studied the amendment and consulted legal and constitutional experts before arriving at the decision to return the bill. Late on Tuesday, the Rajya Sabha Secretariat confirmed the receipt of Kalam's message. It said the matter could only be taken up during Parliament's monsoon session in July.

The Congress said just like each House was entitled to pass a Bill,

the President was entitled to question it, except in cases of a money bill. Its spokesman Abhishek Singhvi said: "Naturally, full attention will be paid to the queries. But I strongly decry the Opposition's use of irresponsible words like 'immoral' or declaring the Bill, in advance, to be unconstitutional. Perhaps they are suffering from amnesia as they had passed an identical Bill in Jharkhand."

BJP leader Arun Jaitley said the President's decision was a "rap on the knuckles of the UPA government" and urged the EC to declare vacant the seats of those who were sought to be protected by the legislation.

THE HINDUSTAN TIMES

13 1 MAY 2006



# Office of profit and disqualification

K. Subramanian

**T**HE QUESTION whether a person holds an office of profit has to be interpreted based on the facts and circumstances of each case and the relevant statutory provisions. In *Ashok Kumar Bhattacharya vs Ajoy Biswas* (AIR 1985 SC 211) the Supreme Court held that to determine whether a person holds an office under the Government, each case must be measured and judged in the light of the relevant provisions and sections.

Minister for Parliamentary Affairs Priya Ranjan Dasmuni has stated that a new legislation would be enacted for declaring in retrospect that some of the posts held by Members of Parliament were not to be treated as offices of profit. The proposed new legislation was to be comprehensive rather than a simple amendment to the existing Parliament (Prevention of Disqualification) Act, 1959.

Clause (a) of Article 102 of the Constitution of India says a person shall be disqualified for being chosen as, and for being, a member of either house of Parliament, if he holds any "office of profit" under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder.

The object of the provision is to secure independence of the MPs and to ensure that Parliament does not contain persons who have received favours or benefits from the executive and who consequently might be amenable to its influence. In other words, the provision appears to have been made in order to eliminate or reduce the risk of conflict between duty and self-interest among MPs. This provision is thus designed to protect the democratic fabric of the country from being corrupted by executive pa-

The courts give varying interpretations depending upon the facts of each case. The best course appears to be to refer the matter to a Parliamentary Joint Committee to determine which of the offices would attract disqualification.

tronage and also secures the independence of MPs from the influence of the Government so that they discharge their functions without fear or favour.

India had the Parliament (Prevention of Disqualification) Act, 1950, 1951, and 1953 exempting certain posts from being recorded as offices of profit. All these Acts were replaced by the Parliament (Prevention of Disqualification) Act, 1959. By virtue of section 3 of the said Act, certain offices did not disqualify their holders from being members of either houses of Parliament.

Certain offices were declared to be non-profit. A list of non-profit offices have been mentioned in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959. The membership of bodies listed in Part I of the same Schedule entails no disqualification on the ground of holding an office.

The expression "office of profit" has not been defined in the Constitution or in the Representation of the People Act, 1951. It is for the courts to explain the significance and meaning of this concept. Over the years, courts have decided this issue in the context of specific factual situations.

Thus the final interpretation and decision

whether a person is disqualified or not rests with the courts and not with Parliament.

The first and foremost question to be asked is: does the Government have the power to appoint to and remove from an office? If the answer is in the negative, no further enquiry is called for. If the answer be positive, further probe has to go on. The totality of the facts and circumstances reviewed in the light of the provisions of the relevant Act, if any, would lead to an inference being drawn if the office held is under the Government. On account of holding of such office, would the Government be in a position to so influence him or her as to interfere with independence in functioning or would the holding of the two offices — one under the Government and the other of MP — involve a conflict of interests *inter se*? This is how the issue has to be approached and resolved.

As new bodies are created regularly, the question as to the membership of which of these bodies would be a disqualification for membership of Parliament is a matter demanding constant review. To meet this need, a Joint Committee on office of profit has been constituted consisting of 10 members from the Lok Sabha and five members from the Rajya Sabha. The function of the Committee, *inter alia*, is to un-

dertake a continuous scrutiny of the composition and character of various government appointed bodies and report to both houses as to the membership of which of these ought to disqualify a person for membership of Parliament.

The Committee generally applies two tests in deciding whether a member of a body ought to be exempted from disqualification: (1) the emoluments and allowances attached to the members; and (2) the nature and function of the body.

If a member of a body gets only compensatory allowance and the body exercises merely an advisory function, then no disqualification would arise. But if the allowances given are more than compensatory allowance and/or the body exercises executive and financial powers and is in a position to wield influence and patronage, then its membership would not be excluded from disqualification.

In the past, based on the recommendations of the Joint Committee, such exemptions have been made by adding certain offices to the list. For instance, when Pranab Mukherjee became Deputy Chairperson of the Planning Commission under Prime Minister P.V. Narasimha Rao, the office was exempted by adding it to the list in the Parliament (Prevention of Disqualification) Act, 1959.

Since the judicial decisions gave varying interpretations depending upon the facts of each case, the best course appears to be to refer the matter to the Parliamentary Joint Committee to examine the individual cases of the 40-odd MPs. The committee could exempt the offices it thinks would attract disqualification under Article 102(1a) of the Constitution of India. That Parliament is competent to enact a law to remove a disqualification with retrospective effect is settled (See *Kanta vs Menak Chandra* 1970 SC 694 para 36 and *Ibomcha vs Chandranani* AIR 1977 SC 682).

## Test of appointment

A Constitution Bench of the Supreme Court in *Guru Gobind Basu vs Sankari Prasad Ghosal & others* (AIR 1964 SC 254) ruled that the decisive test for determining whether a person holds any office of profit under the Government is the test of appointment. There are several factors that enter into the determination of this question such as: appointing authority; the authority vested with the power to terminate the appointment; the authority that determines the remuneration; the source from which the remuneration is paid; the authority vested with the power to control the manner in which the duties of the office are discharged and to give protection on that behalf.

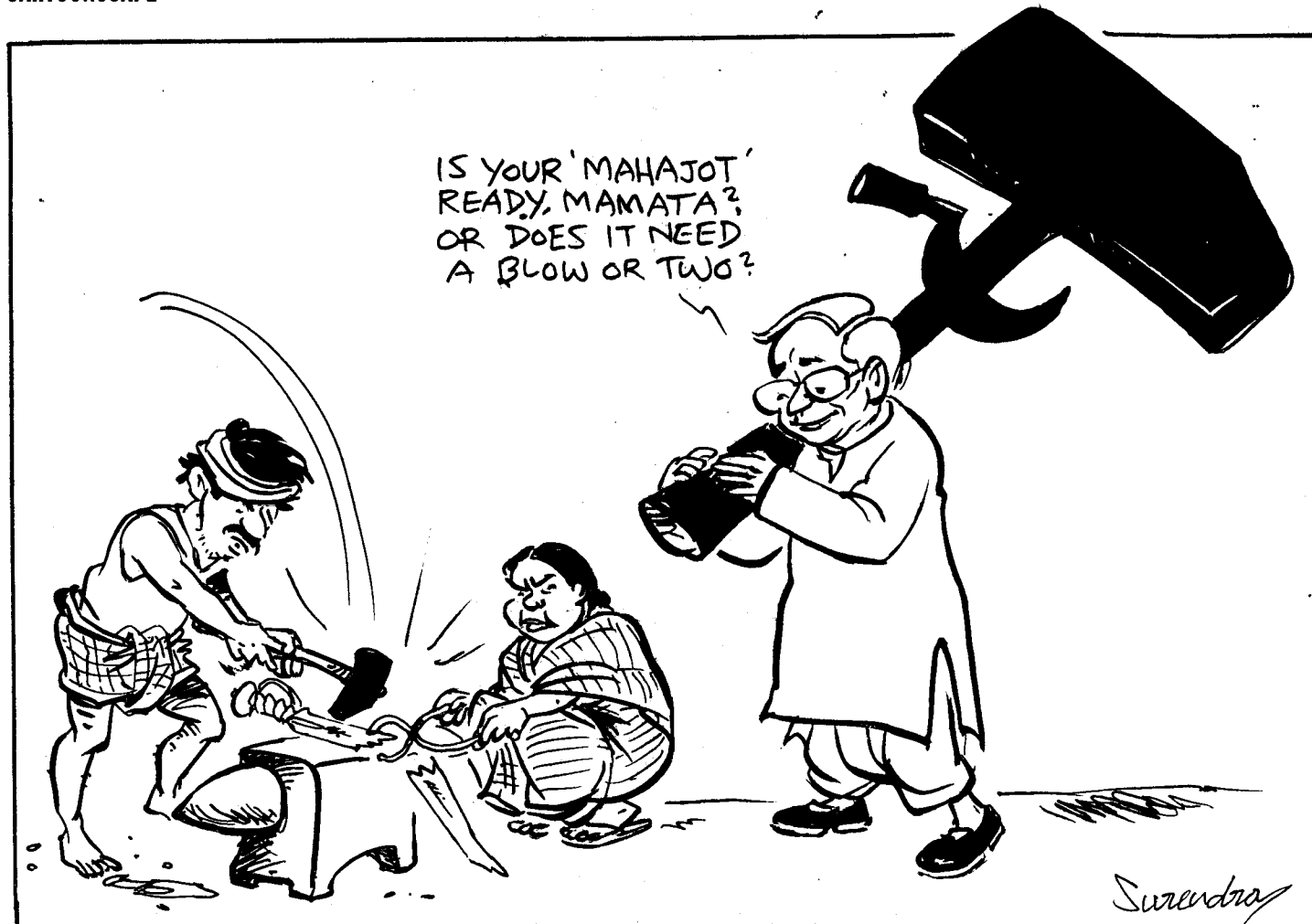
The Supreme Court has further held that it is not necessary that all these factors must co-exist. The court also held that stress on one factor or the other would depend on the facts of each case. In other words, it is only when the Joint Committee scrutinises the composition and character of office held by the 40-odd MPs facing threat of disqualification and gives a report that a comprehensive bill for amending the Parliament (Prevention of Disqualification) Act, 1959, can be brought in.

Since the Election Commission of India (while recommending the disqualification of Jaya Bachchan from the Rajya Sabha) opined that any post, even if held in an advisory capacity, was an office of profit, unless the facts of each case, of the 40-odd MPs, are carefully gone into by the Joint Committee, a comprehensive legislation may not be successful. The opinion of the Law Commission of India on this aspect may also be a guiding factor.

Unlike in India, in England whenever a new office is created, the law also lays down whether it would be an office of profit or not.

(The writer is a Senior Advocate and former Advocate General of Tamil Nadu.)

## CARTOONSCAPE



# Jaya moves SC against disqualification

Former Samajwadi MP cites previous rulings to demand quashing of presidential order

**HT Correspondent**  
New Delhi, April 25

FORMER RAJYA Sabha member Jaya Bachchan has moved the Supreme Court challenging the presidential order of March 16, 2006, disqualifying her as a member of the Upper House with effect from July 14, 2006, as "arbitrary" and "contrary" to the law pronounced by the apex court.

The petition stated that there was no mention in the opinion of the Election Commission (dated March 2, 2006) or in the Presidential order that the petitioner had made any actual pecuniary gain from the alleged office of profit that she held as the chairperson of UP Film Development Corporation.

The apex court had, in the Divya Prakash versus Kultar Singh Rana and Umrao Singh versus Darbara Singh cases, held that there could be no disqualification when no pecuniary gain had accrued to a person holding an office, the petition mentioned. "The action of a constitutional authority which does not follow a binding decision of this court, even if that authority is unaware of it, is arbitrary and contrary to Article 14 of the Constitution," it said. It further stated that since the find-

ing was that the petitioner had not in fact received any remuneration, she ought not have been disqualified from being an MP. The petition prayed for a ruling quashing the presidential order, and the EC recommendation on which it was based, as "null and void".

Summing up the law laid down by the court regarding offices of profit, the petition stated that the Samajwadi Party leader could not be disqualified for holding an office of profit "in the absence of any pecuniary gain to the holder of the office". It pointed out that even where a post or office carried remuneration, in the absence of proof of any actual pecuniary gain to the holder, he could not be said to be holding an office of profit.

In another set of cases, courts held that profit connotes an idea of pecuniary gain, but neither the quantum of amount paid nor the label under which it was made was material and mere use of the word honorarium could not negate the profit angle. Courts also held that an office that yielded income would be construed as office of profit and whether the holder derived monetary benefit from it was irrelevant. Even otherwise, the UPFDC could not be considered as such an office for purposes of Article 102(1), the petition added.



Amitabh Bachchan with wife Jaya in Mumbai.

## RS office in dilemma

**SAROJ Nagi**  
New Delhi, April 25

THE RAJYA Sabha Secretariat sent a reminder to the law ministry on Tuesday to advise it on how Parliament should deal with the questions raised by Jaya Bachchan's disqualification as an MP with retrospective effect. The secretariat had written to the law ministry more than a month back, seeking direction on what it should do with the records of Jaya's participation in House proceedings and the salary and perks she drew before she was disqualified as a member for holding an office of profit. The disqualification notice, issued in mid-March, was given effect retrospectively from July 14, 2004. "We have not yet received any reply from the ministry. I am now sending them a reminder," Yogendra Narain, RS secretary-general told *Hindustan Times*.

In the absence of any precedent, the secretariat has been proceeding cautiously in the matter. R. Mohana Rangan's disqualification in 1982 for holding the office of special representative of Tamil Nadu government in New Delhi was without any retrospective effect. When Jaya was disqualified, however, an exception was made of the 10 days when she was a valid member of the House. She took oath on July 4, 2004, resuming her association with UPFDC on July 14 that year.

# Profit from Loss

If India can put an end to this unedifying 'office of profit' controversy, it would gain

**D**ARE we say that there is finally some light at the end of the tunnel vision? The Cabinet Committee on Political Affairs, chaired by the prime minister, has taken two sensible decisions: it has decided, first of all, to reconvene Parliament on May 10 and, secondly, to adopt a consensual approach in evolving a law to address the office of profit issue. Of course, if these very steps had been taken two weeks ago, the country could have been spared some very anxious and embarrassing moments. But that would have required a modicum of common sense and fair play, attributes which do not appear to encumber the treasury benches overmuch.

If the Congress government's attempt to handle the issue through the devious route of an ordinance smacked of bad faith it should now, belatedly at least, display some maturity in putting an end to a sorry episode in the country's parliamentary history. What we are suggesting here is the junking of gloat-and-smirk politics. The discomfiture within the BJP over the sudden vulnerability of its government in Jharkhand may be hugely satisfying to the Congress, but it should remember the old adage about glasshouses and stones. Already, the price for the

silly oneupmanship over Jaya Bachchan's disqualification has been paid by the Congress president. It is time then for all actors in this infamous tableau — including the main opposition party — to hunker down and get down to the job at hand.

Three important questions arise out of the present controversy. The first, of course, is what constitutes an office of profit? Is it possible to even define it, given the varying interpretations of the courts and constitutional authorities? Second, does it make practical sense to handle the issue in the way it has been done thus far, by making exemptions to the law depending on persons and circumstances. The list of exemptions over the years has already made a mockery of the law. Third, does the idea of a public office of profit hold water when individuals representing powerful interests in their private capacity do not attract the penalties of the law? What this could — and we use "could" in a qualified manner — call for is shredding a piece of legislation that has outlived its utility. The floor is now with the parliamentarians. It is they who have to solve the conundrum. And then, perhaps, we could profit from last week's loss of face.

# সংজ্ঞা খুঁজতে কেন্দ্র মত নেবে সব দলের

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ৩০ মার্চ: লাভজনক পদ প্রশ্নে বিতর্ক ঘোচাতে ১০ মে বসছে সংসদের অধিবেশন। দ্বিতীয় পর্বে বাজেট অধিবেশন ওই দিনেই বসার কথা ছিল। এখন অবশ্য অধিবেশনের গতিমুখ ঘুরে গেল লাভজনক পদের সংজ্ঞা নির্ধারণের দিকে। এ ধরনের পদ নিয়ে যাবতীয় বিতর্কটোর অবসান ঘটানোই হবে এই পর্বে অধিবেশনের লক্ষ্য।

আজ মন্ত্রিসভার রাজনীতি-বিষয়ক কমিটির বৈঠকে এই সিদ্ধান্ত নেওয়া হয়েছে। স্থির হয়েছে, এই পর্বে যাতে আর এই বিতর্কিত বিষয়টিকে ঘিরে অচলাবস্থা তৈরি না হয়, সে জন্য প্রত্যেক দলের কাছে চিঠি দিয়ে তাদের মতামত জানতে চাইবেন প্রতিরক্ষামন্ত্রী ও লোকসভায় সরকার পক্ষের নেতা প্রণব মুখোপাধ্যায়। আজ মন্ত্রিসভার বৈঠকের পরে সংসদীয় মন্ত্রী প্রিয়রঞ্জন দাশমুঙ্গি জানিয়েছেন, সমস্ত দলের মতামতের ভিত্তিতেই এই বিল তৈরি হবে।

তবে চিঠি লিখে সকলের মতামত চাওয়া হলেও বিষয়টি নিয়ে কোনও সর্বদলীয় বৈঠক হবে না বলেই জানিয়েছেন প্রিয়রঞ্জনের রাজনৈতিক

দলগুলিকে মতামত জানানোর জন্য কোনও নির্দিষ্ট সময়সীমাও বেঁধে দেওয়া হয়নি। মন্ত্রী অবশ্য জানিয়েছেন, “যত দ্রুত আমরা মতামত জানতে পারব, আমাদের কাজ করতে ততই সুবিধা হবে।” ১০ তারিখ থেকে সংসদ চলবে ২৩ মে পর্যন্ত।

লাভজনক পদ নিয়ে অর্ডিন্যান্স না বিল—সেই বিতর্কের অবসান হয়েছে। সংসদের বিশেষ অধিবেশন ডেকে বিল আনার ব্যাপারেও রাজনৈতিক দলগুলির একমত্য হয়েছে। কিন্তু নির্বাচন কমিশনের ভূমিকা কী হবে, তা নিয়ে এখনও উদ্বেগ কাটেনি। বাম-বিজেপি-র মতো দলগুলি বিলের ব্যাপারে তাড়াহুড়া করতে চাইছে। কারণ, ইতিমধ্যেই তাদের একগুচ্ছ সাংসদ-বিধায়কের বিরুদ্ধে অভিযোগ জমা পড়েছে নির্বাচন কমিশনের কাছে। দলগুলির আশঙ্কা, সংসদের বিশেষ অধিবেশন ডাকার আগেই নির্বাচন কমিশন কোনও সিদ্ধান্ত না নিয়ে ফেলে। সরকারকেও এই উদ্বেগের কথা জানিয়েছে দলগুলি। সরকারও চাইছে, লাভজনক পদ

নিয়ে যে হেতু আলাপ-আলোচনা তথা বিল আনার একটি প্রক্রিয়া শুরু হয়েছে, তাই নির্বাচন কমিশনকেও বোঝানো হবে, যাতে তারা তড়িঘড়ি ‘অভিযুক্ত’দের বিরুদ্ধে কোনও সিদ্ধান্ত না নেয়। সংসদীয় মন্ত্রী হিসাবে প্রিয়রঞ্জন দাশমুঙ্গিই কমিশনের সঙ্গে কথা বলবেন।

কোনও সাংসদের পদ খারিজের শর্ত কী হওয়া উচিত, ১৯৫৯ সালের ‘দ্য পার্লামেন্ট (প্রিভেনশন অফ ডিসকোয়ালিফিকেশন) অ্যাক্ট’-এ তা বলা আছে। দ্বিতীয় অনুচ্ছেদে এই সংক্রান্ত নিয়মবিধি এবং তৃতীয় অনুচ্ছেদে কোন কোন পদকে ‘লাভজনক পদ’-এর আওতায় ফেলা হবে না, বলা আছে তা-ও। কিন্তু ‘লাভজনক পদ’-এর নির্দিষ্ট কোনও সংজ্ঞা নেই। সংবিধান কিংবা ১৯৫১ সালের জনপ্রতিনিধিত্ব আইনেও এই সংজ্ঞা নেই। অর্ডিন্যান্স কিংবা আইন এনে এই তৃতীয় অনুচ্ছেদটিই সংশোধন করতে চেয়েছিল কেন্দ্র। লাভজনক পদ বলে গণ্য হবে না, এমন তালিকায় আরও কিছু পদ ঢোকাতে চেয়েছিল তারা। কিন্তু

বিশেষজ্ঞদের মতে, তৃতীয় অনুচ্ছেদে পরিবর্তন করার বদলে যদি লাভজনক পদের সংজ্ঞা ঠিক মতো নির্ধারণ করা হত, তা হলে এই বিষয়ে ধোঁয়াশা অনেকটাই কাটত। কারণ, কোনটা লাভজনক পদ, কোনটা নয়, তা এখনও সকলের কাছে স্পষ্ট নয়। তা হলে কীসের ভিত্তিতে কোনও সাংসদ যোগ্য না অযোগ্য, তা বিচার করা হবে?

কংগ্রেসের পক্ষে মন্ত্রী ও বিশিষ্ট আইনজীবী কপিল সিবল বারবার জানিয়েছেন, সনিয়া গাঁধীর পদ লাভজনক ছিল না। কোনও টাকা তিনি সেখান থেকে নিতেন না। জয়া বচ্চনও একই দাবি করেছিলেন। আসলে এই প্রশ্নে ধোঁয়াশা রয়েছে বলেই এত বিতর্ক। এ জন্য জয়াকে নিয়ে বিতর্কের পরে মুখ্যমন্ত্রী মুলায়ম সিংহ যাদবকেও নতুন বিল এনে উত্তরপ্রদেশের আরও ৭০টির বেশি পদ ‘লাভজনক নয়’ বলে ঘোষণা করতে হয়েছিল। প্রধানমন্ত্রীর সচিবালয়ের প্রতিমন্ত্রী পৃথ্বীরাজ চহাণের বক্তব্য, “সেটাই লাভজনক পদ, যা দু’টি শর্তই পালন করবে। এক, পদটি সরকার নিয়ন্ত্রিত হতে হবে। এবং দুই, এতে নিয়োগের অধিকার থাকতে হবে।”

## লাভজনক পদ-বিতর্ক

# Office of profit issue for Parliament

313 ✓  
Parliament  
40-1

May 10-23 session to take up other businesses

Special Correspondent

**NEW DELHI:** The Cabinet Committee on Parliamentary Affairs on Thursday decided to convene a session of Parliament from May 10 to 23 to discuss the office of profit issue for a final decision.

Briefing reporters after the Committee meeting, Parliamentary Affairs Minister and Cabinet spokesperson, Priyaranjan Dasmunsi, said it was also decided that the Leader of the Lok Sabha, Defence Minister Pranab Mukherjee, would write to the leaders of the parties represented in Parliament seeking their views.

Emphatically denying any move on the part of the Govern-

ment to prepare a draft legislation on the issue, he said the Government would decide on the next step on the basis of suggestions from the parties.

"No. No. No. We are not preparing any draft Bill. ... Whether there will be an amendment to the existing law or whether there will be a new law? What shape it would take? It will all depend on the suggestions received from the different parties."

## No all-party meet

He also ruled out any proposal to hold an all-party meeting to thrash out the issue.

"The principal Opposition party, the Bharatiya Janata Par-

ty, has expressed its view against holding an all-party meeting. So has Samajwadi Party. There is no question [of holding an all-party meeting]."

The Parliament session would take up various Bills and businesses pending before it, he said. "It would be a regular session."

He said that when Parliament was adjourned *sine die* on March 22, the Government had assured the Lok Sabha Speaker and the Chairman of the Rajya Sabha that it would take up the other businesses, slated for the second part of the session, later.

As per the earlier plan also the second part of the session was scheduled to be held between May 10 and 23.

THE HINDU

# LOGIC OF DEMOCRACY

"Office Of Profit" Issue Is An Opportunity For Reform

By SUBROTO ROY

Parliament may unanimously vote for a bill on the "Office of Profit" issue but this will have to be consistent with the spirit and letter of the Constitution and with natural law if it is not to be struck down by the Supreme Court. It is thus important to get the logic right.

India is a representative and not a direct democracy. We the people constitute the Electorate who send our representatives periodically to legislative institutions at national, state and local levels. These representatives, namely, Lok Sabha and Legislative Assembly Members and municipal councillors, have a paid job to do on behalf of all their constituents, not merely those who voted for them. They are supposed to represent everyone including those who voted against them or did not vote at all. In view of this, if the question is asked: "Was India's interest served by Sonia Gandhi preemptorily resigning as the Lok Sabha Member from Rae Bareilly and then immediately declaring she will fight a fresh election from there?", the answer must be of course that it was not. Mrs Gandhi had been elected after an expensive process of voting and she had a duty to continue to represent all of Rae Bareilly's people (not just her party-supporters) for the duration of the 14th Lok Sabha. Instead she has given the impression that Rae Bareilly is her personal fiefdom from where she must prove again how popular she is as its Maharani. What needed to be done instead was to abolish the so-called "National Advisory Council" which, like the "Planning Commission" is yet another expensive extra-constitutional body populated by delusional self-styled New Delhi worthies. The NAC has been functioning as Mrs Gandhi's personal Planning Commission, and she lacked the courage to scrap it altogether — just as Manmohan Singh lacks the courage to tell Montek Ahluwalia to close down the Planning Commission (and make it a minor R&D wing of the Ministry of Finance).

## Lok Sabha's duties

What are Lok Sabha Members and State MLAs legitimately required to be doing in caring for their constituents? First of all, as a body as a whole, they need to elect the Government, i.e. the Executive Branch, and to hold it accountable in Parliament or Assembly. For example, the Comptroller and Auditor General submits his reports directly to the House, and it is the duty of individual legislators to put these to good use in controlling the Government's waste,

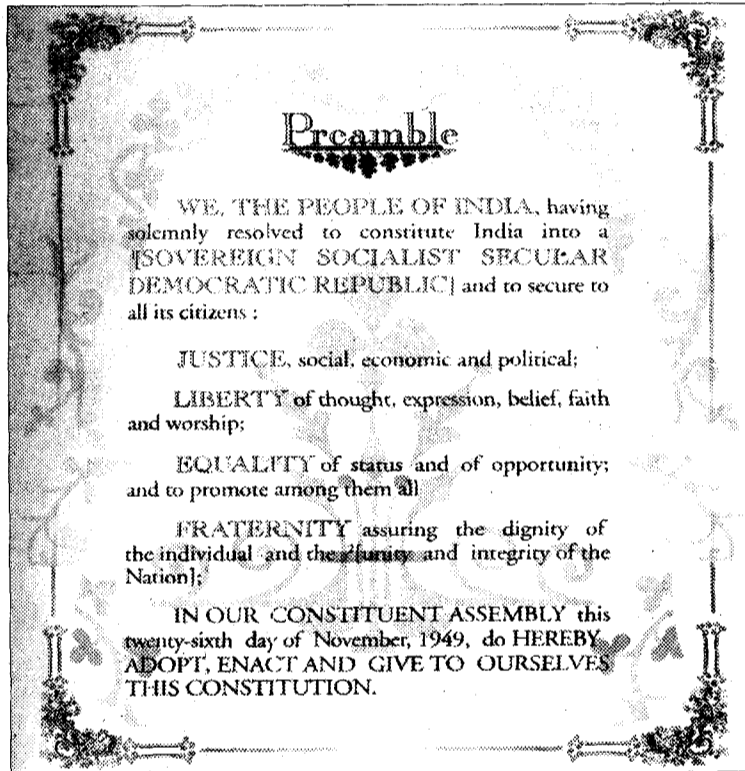
The author is Contributing Editor, The Statesman

fraud or abuse of public resources.

Secondly, MPs and MLAs are obviously supposed to literally represent their individual constituencies in the House, i.e. to bring the Government and the House's attention to specific problems or contingencies affecting their constituents as a whole, and call for the help, funds and sympathy of the whole community on their behalf.

Thirdly, MPs and MLAs are supposed to respond to pleas and petitions of individual cons-

advocated popular constitutions for the "Indian India" of the "Native States" since "where there are no popular constitutions, the personal character of the ruler becomes a most important factor in the government... evils are inherent in every government where autocracy is not tempered by a free constitution." When Victoria was declared India's "Empress" in 1877, a "Council of the Empire" was mooted but had remained a non-starter even until the 1887 Jubilee. An "Imperial Council"



tituents, who may need the influence associated with the dignity of their office to get things rightly done. For example, an impoverished orphan lad once needed surgery to remove a brain tumour; a family helping him was promised the free services of a top brain surgeon if a hospital bed and operating theatre could be arranged. It was only by turning to the local MLA that the family were able to get such arrangements made, and the lad had his tumour taken out at a public hospital. MPs and MLAs are supposed to vote for and create public goods and services, and to use their moral suasion to see that existing public services actually do get to reach the public.

## Rajya Sabha different species

Rajya Sabha Members are a different species altogether. Most if not all State Legislative Councils have been abolished, and sadly the present nature of the Rajya Sabha causes similar doubts to arise about its utility. The very idea of a Rajya Sabha was first mooted in embryo form in an 1888 book *A History of the Native States of India, Vol I, Gwalior*, whose author also

was now designed of the so-called "Native Princes", which came to evolve into the "Chamber of Princes" which became the "Council of the States" and the Rajya Sabha. It was patterned mostly on the British and not the American upper house except in being not liable to dissolution, and compelling periodic retirement of a third of members. The American upper house is an equal if not the senior partner of the lower house. Our Rajya Sabha follows the British upper house in being a chamber which is duty-bound to oversee any exuberance in the Lok Sabha but which must ultimately yield to it if there is any dispute. Parliament in India's democracy effectively means the Lok Sabha — where every member has contested and won a direct vote in his/her constituency. The British upper house used to have an aristocratic hereditary component which Tony Blair's New Labour Government has now removed, so it has now been becoming more like what the Rajya Sabha was supposed to have been like.

The corruption of our body-politic originated with the politicisation of the bureaucracy

thirty five years ago by Indira Gandhi and PN Haksar. The Rajya Sabha came to be ruined with the "courtier culture" and "darbar politics" that resulted. This bad model which the Congress Party created and followed was imitated by the Congress's political opponents too. Our Rajya Sabha has now tended to become a place for party worthies who have lost normal elections, superannuated cinematic personalities, perpetual bureaucrats still seeking office, and similar others. The healthiest course of action for Indian democracy may be to close it down completely for a few years, then recreate it *ab initio* based on its original purposes and intent (but this may not be constitutionally possible to do).

## Holding Executive accountable

It is a forgotten platitude that in a representative democracy what elected legislators are supposed to be doing is represent the interests of the Electorate. Along with the Judiciary, the Legislative Branch is supposed to control the Executive Government, which is the natural oppressor of the Electorate.

That is why the Legislature must be independent of the Executive — which is the precise intent behind Article 102 (a) of the Constitution of India: "A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament... if he holds any office of profit under the Government of India or the Government of any State..."

In other words, if you are a Lok Sabha MP or State MLA who is supposed to be a part of the august House which has elected the Executive Government and by whom that Government is supposed to be held accountable, then it is a clear conflict of interest if you are yourself in the pay of that Government. As a legislator, you are either in the Executive or you are not. If you are in the Executive, you are liable to be held accountable by the House. If you are not in the Executive, you are duty-bound as an ordinary Member of the House to hold the Executive accountable. The logic is ultimately as clear and simple as that.

The doctrine of Separation of Powers makes it inevitable that the delineation of the appropriate boundaries between Legislature and Executive will have to be pronounced upon by the Judiciary. The "Office of Profit" issue has opened an opportunity for a Constitution Bench of the Supreme Court to speak on the rights and duties of the Legislative and Executive Branches of Government. And no Constitution Bench has ever spoken unwisely.

# PM hints at doing away with office-of-profit clause

Statesman News Service

NEW DELHI, March 29. — Ahead of tomorrow's meeting of the political affairs committee (PAC) of the Union Cabinet that is expected to discuss the messy "office of profit" issue, the Prime Minister, Dr Manmohan Singh, indicated today that all issues including "doing away with the office of profit clause" would have to be examined in detail.

He also called on President APJ Abdul Kalam at

Rashtrapati Bhavan amidst government plans to convene a Parliament session to either pass a new legislation or to bring appropriate amendments to the existing law to resolve the tangle over the "office of profit" clause.

The government would look into all the problems relating to the offices of profit controversy and find a possible solution, he said in a chat with newsmen after the civil investiture ceremony at Rashtrapati Bhavan.

Asked whether there was any proposal to do away with the

office of profit clause, the Prime Minister said "these are all the issues which will have to be examined in the light of the developments".

On whether there was any proposal to do away with the office of profit clause, Dr Singh said "these are all the issues which will have to be examined in the light of the developments. We have not reached any definite conclusions."

Asked if the government was planning to convene an all-party meeting to thrash out the issue, he said "we are consulting

everybody." In a significant development, the Prime Minister later called on the President and discussed "issues of national importance".

This was the first formal meeting between the two after the "office of profit" issue erupted and after Ms Jaya Bachchan was disqualified as an MP by the Election Commission on receiving the relevant petition from the President's office. This was also the first meeting between the two after the return of Dr Kalam from his recent visit to Myanmar and

Mauritius and after the end of Parliament's Budget session. It is customary for the PM to call on the President after the end of every Parliament session and after every visit abroad by the President.

In today's meeting Dr Singh apprised Dr Kalam of the high-spots of the budget session, including the thorny "office of profit" issue. He also received valuable inputs from Dr Kalam on the salient features of the President's meeting with the leaders of Myanmar and Mauritius.

## Money power

NEW DELHI, March 29. — Dr Manmohan Singh today said money power in politics acted as a barrier to entry of professionals in the field and presence of more businessmen than professionals in legislatures attested to this. "If people find that only those with money power are able to secure election to a public office they will lose faith in the representative character of our democracy," he said releasing a book, *Candida* Corner, by Congress MP Mr Abhishek Singhvi. — PTI

# Sonia blasts oppn in Rae Bareilly

By Manjari Mishra/TNN

**Rae Bareilly:** Wearing the halo of martyrdom, Sonia Gandhi flew into Rae Bareilly on Tuesday and waded into a thick mass of loyal voters with a victim's narrative.

"For every wrong the scapegoat today is Sonia Gandhi. If there is a hailstorm or lightning strikes, it is Sonia's doing," she said in her first public comment since she quit Parliament over the office of profit controversy.

"*Sonia dushman number one hai, har patthar usee par chalaya jaata hai, teer usee par chhoda jaata hai aur goli usee par daagee jaati hai*" she told the people of Rae Bareilly, whom she's counting on not to waver from their traditional loyalty to the Nehru-Gandhi family as she seeks re-election from there.

Explaining the office of profit controversy to her electorate briefly she hit out at the opposition. "They are

trying to create the impression that parliament was being manipulated to shield and protect me alone," she said. It was then she decided to "ignore the charges" and come to those who had elected her as MP.

"It will be you who will give me justice," said the Congress leader, her voice seeming to crack with emotion. "When I joined politics I knew my path would be covered with hindrances but then I am neither easily scared nor intend to make a retreat," she added. Her 25-minute speech at the rally was a theatrical cocktail of vulnerability, hurt pride, drama and fire intended to send a message to her detractors—that she was ready for a fight and it would be quite a fight.

She began with how the Nehru-Gandhi family shared an emotional bond with Rae Bareilly. They were the only ones she could think of, confiding in as "one shares sorrow and joys only with the closest ones." After tak-

ing the decision to quit and consulting Rahul and Priyanka, Sonia declared to the cheering masses, "I decided to seek the approval of you all."

Then she waxed eloquent about the trials and tribulations of the Gandhi family. "My family, I feel, has had more than a fair share of struggle. The opposition always targeted them and spread canards. From Nehru, Indira to Rajiv, each had to go through ordeal by fire during his or her time," she said. The only anchor during the tough times were "the countrymen and you all," she added.

While her speech was directed towards her electorate, the presence of Sanjay Singh and Mohsina Kidwai on the dais took many by surprise. UPCC president Salman Khurshid himself was not aware that Mohsina would be accompanying Sonia to Rae Bareilly, the presence of Amethi scion Sanjay Singh made people talk of his possible resurrection in UP politics.



# রাজ্যসভার ভোটে ভাঙন শরিক দলেও

## শুরুতেই হোট খেল অনিল-বিহীন সিপিএম

নিজস্ব সংবাদদাতা: অনিল বিশ্বাসের মৃত্যুর পরে ৪৮ ঘণ্টাও কাটেনি। রাজ্যসভার ভোটে বিধানসভায় 'ফ্লোর-ম্যানেজমেন্ট' করতে গিয়েই সিপিএম হোট খেল। কেবল বাম-শরিকরাই নয়, সিপিএমের শিবিরের পোড় খাওয়া বিধায়করাও যে ভাবে নিজেদের ভোট নষ্ট করলেন, তাতে দলীয় নেতৃত্বের কপালে ভাঁজ পড়েছে। বিষয়টি নিয়ে দলের মধ্যে কথাবার্তা শুরু হয়েছে।

অনিলবাবুর জমানায় শরিক বিধায়কদের ক্রশ-ভোটিংয়ে জিতে গ্রন্থ মুখোপাধ্যায় রাজ্যসভায় গেলেও সি পি এমের ঘরে এমন অবিশ্বাস সৃষ্টি হয়নি। রাজ্যসভার নির্বাচনের দায়িত্বে থাকা বামফ্রন্টের মুখ্য সচিব রবীন দেবের কথায় তা পরিষ্কার। মঙ্গলবার ভোটের পরে রবীনবাবু বলেন, "ক্রান্তির সুধনা রাহা ও ময়ুরেশ্বরের বিষ্ণু লেট এই দুই পুরানো বিধায়কের ভোট নষ্ট করাটা খুবই সন্দেহজনক (ডাউটফুল)। কেন এমন হল, তা আমাদের দেখতে হবে।" এ ছাড়াও নষ্ট হয়েছে দক্ষিণ ২৪ পরগনার মগরাহাটের বিধায়ক বাঁশরীমোহন কাজির ভোট। তিনি এ বার টিকিট পেলেও, দলীয় রাজনীতিতে বাঁশরীমোহন কাজি এক সময়ে পি ডি এস নেতা সমীর পুতুভের খুবই ঘনিষ্ঠ ছিলেন। অনিলবাবুরাই তাঁকে বুঝিয়ে দলে রাখেন।

রাজ্যসভার নির্বাচনে বাম শরিকদের ঘর ভাঙবে কি না প্রশ্নের জবাবে অনিলবাবু বার বার বলেছিলেন, ভোটের পরে বোঝা যাবে। কিন্তু সিপিএমের বিধায়কদের ব্যাপারে আশ্ববিশ্বাসী ছিলেন তিনি। কারণ, টিকিট না পেলেও সিপিএমের কোনও বিধায়ক অনিলবাবুর জীবিত অবস্থায় কোনও প্রতিবাদ জানাননি। সি পি এম বিধায়কদের ভোট যেভাবে নষ্ট হল, টিকিট না পেয়েই ক্ষুব্ধ হয়ে তাঁরা এ কাজ করলেন কি না, পার্টি তা খতিয়ে দেখছে। শুক্রবার প্রকাশ কারাটের উপস্থিতিতে দলের রাজ্য কমিটির বৈঠকে নতুন রাজ্য সম্পাদক নির্বাচিত হবেন। বিমান বসু বা অন্য কেউ, যিনিই দায়িত্ব পাবেন, তাঁকে প্রথমেই এই আঘাত কাটিয়ে উঠে পার্টিকে সংগঠিত করার কথা চিন্তা করতে হবে। অনিলবাবুর অবর্তমানের কারণেই এমন হল এ কথা অবশ্য সি পি এম নেতৃত্ব মানতে নারাজ। রবীনবাবু বলেন, "বাতিল হলেও সিপিএমের কেউ বিরোধীদের ভোট দেননি।" অন্যদিকে, তৃণমূল নেত্রী মমতা বন্দ্যোপাধ্যায় বলেন, "এটা সিপিএমের অভ্যন্তরীণ বিষয়। ওরাই দেখুন।"

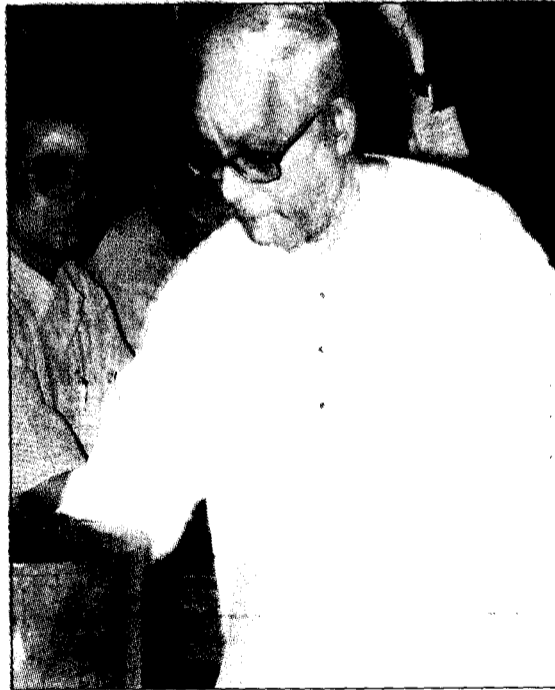
কেবল সিপিএমই নয়, শরিকদেরও ঘর ভেঙেছে। টিকিট না পাওয়া ফরওয়ার্ড ব্লক বিধায়ক মহম্মদ ইয়াকুব ভোট দিয়েছেন কংগ্রেসের সুপ্রভ মুখোপাধ্যায়কে। আর বামফ্রন্টের সমর্থনে জেতা ভগবানগোলার মুজিবর রহমান ভোট দিয়েছেন তৃণমূলের মুকুল রায়কে। শুধু তাই নয়, ফরওয়ার্ড ব্লকের প্রাক্তন মন্ত্রী কলিমুদ্দিন সামস প্রথমে সুপ্রভ মুখোপাধ্যায়কে ভোট দেন। কলিম সাহেব কাকে ভোট দিয়েছেন ফরওয়ার্ড ব্লকের এজেন্ট বিধায়ক শিবপ্রসাদ মালিক তা দেখতে চান। তখন আবার কলিম সাহেব মত পরিবর্তন করে ব্যালট পেপারে কাটাকুটি করে তাঁর ব্যালটটি নষ্ট করেন। কলিমকে টিকিট না দিলেও তাঁর পুত্র মেনুদ্দিনকে কলকাতার কবিতীর্থে প্রার্থী করেছে বামফ্রন্ট। তবুও কলিম সাহেব যে ভাবে বামফ্রন্টের হুইপ অমান্য করেছেন তার নজির নেই। কেন এমন হল তা নিয়ে তদন্ত করছে ফরওয়ার্ড ব্লকও।

সব মিলিয়ে বিধানসভা নির্বাচনের তিন সপ্তাহ আগে রাজ্যসভার ভোটে বামফ্রন্টের ঘর ভাঙল। তৃণমূল বাড়ল। আর কংগ্রেস রইল সেই তিমিরেই।

সি পি এমের মইনুল হাসান, তপন সেন, সামন পাঠক জিতলেও, ফরওয়ার্ড ব্লক বরুণ মুখোপাধ্যায়কে জিতে হল দ্বিতীয় পছন্দের ভোটে। আর তৃণমূল প্রার্থী মুকুল রায় তাঁদের ৫৩ বিধায়কের ভোট ছাড়াও আরও তিনটি ভোট বেশি পেলেন। মুজিবর ছাড়াও স্যোসালিস্ট পার্টি থেকে বহিষ্কৃত সূর্যমল পাইক এবং বহিষ্কৃত সিপিএম বিধায়ক সূর্যমল বিশ্বাসের ভোটও মুকুলবাবু পেয়েছেন।

স্বাভাবিক ভাবেই রাজ্যসভার নির্বাচনের ফলাফল মানসিক দিক থেকে তৃণমূল শিবিরকে চাপা করে তুলেছে। উজ্জীবিত মমতা বন্দ্যোপাধ্যায় এদিন সন্ধ্যায় বাকি আসনে তৃণমূল প্রার্থীদের নাম ঘোষণা করে বলেন, "এই ভোট বিধানসভা নির্বাচনের পূর্বাভাস।" রাজ্যসভার ভোটে তাঁর দুর্গে সিপিএম যেমন কোনও আঁচড় কাটতে পারেনি, তেমনই কংগ্রেসও আঘাত করতে পারেনি। তাই, কংগ্রেসের জন্য আর অপেক্ষা না করে এ দিন সন্ধ্যাতেই মমতা দুটি বাদে বাকি সব আসনে প্রার্থীদের নাম ঘোষণা করেন। শিয়ালদহ ও গোয়ালপোখর দুটি কেন্দ্রে মমতা প্রার্থীদের নাম এখনও ঘোষণা করেনি।

তাৎপর্যপূর্ণ হল শিয়ালদহ কেন্দ্রে কংগ্রেস প্রার্থী হলেন সোমেন মিত্র এবং গোয়ালপোখরের প্রার্থী কেন্দ্রীয় মন্ত্রী প্রিয়রঞ্জন দাশমুঞ্জির স্ত্রী দীপা। সোমেনবাবু এবং প্রিয়বাবু দুই জনেই মমতার সঙ্গে জোটের পক্ষে সওয়াল করেছিলেন।



ভোট দিচ্ছেন মুখ্যমন্ত্রী। মঙ্গলবার। —নিজস্ব চিত্র

মমতা জানান, এই দুই কেন্দ্রের প্রার্থীদের নামও দু'এক দিনের মধ্যে ঘোষণা করা হবে। পাশাপাশি মমতা কংগ্রেসের বিধায়কদেরও জোটে সামিল হতে আবেদন জানিয়েছেন।

মমতার নির্দেশ মেনে তৃণমূলের ৫৩ বিধায়কই এদিন মুকুলবাবুকে ভোট দেন। কিন্তু কংগ্রেসের ৩০ বিধায়কের মধ্যে সুপ্রভবাবু ২৭টি ভোট পান। বাতিল হয় গনিখান চৌধুরির বোন রুবি নূরের ভোট, আর কালচিনির পবন লাকড়া ভোট দিতেই আসেনি। ফরওয়ার্ড ব্লক থেকে বহিষ্কৃত প্রাক্তন মন্ত্রী ছায়া ঘোষ সুপ্রভবাবুকে ভোট দিলেও কোনও একজন কংগ্রেস বিধায়ক তাঁকে ভোট দেননি। কে সেই 'বিতীয়' তা নিয়ে কংগ্রেসেই শুরু হয়েছে জল্পনা।

# Cabinet may discuss office of profit law

Cabinet Committee to meet

Neena Vyas

**NEW DELHI:** The Cabinet Committee on Parliamentary Affairs will meet on March 30 to decide a date for reconvening Parliament. Before that the Cabinet could meet to discuss new legislation to bring clarity to the issue of office of profit, Parliamentary Affairs Minister Priyaranjan Dasmunsi hinted here on Monday.

Having almost completed consultations with leaders across the political spectrum, Mr. Dasmunsi briefed Prime Minister Manmohan Singh on his meetings with them.

Emerging from his nearly 30-minute meeting with Dr. Singh, he told reporters that the Samajwadi Party and the Bharatiya Janata Party were not in favour of calling an all-party meeting. (A few days ago BJP leader Jaswant Singh said May 10 was consensus date for the start of the second part of the budget session.)

Leaders of the All-India Anna Dravida Munnetra Kazhagam and the Akali Dal had told Mr. Dasmunsi that their parties would give their views in writing.

Both the Left parties and the BJP were agreeable to the new legislation. But they wanted the Government to spell out details first.

Mr. Dasmunsi hinted that the new legislation would be comprehensive rather than simply be another amendment of the Parliament (Prevention of Disqualification) Act of 1959. The Government was not thinking of an ordinance but he gave no indication whether or not the proposed legislation would have retrospective effect.

It seems that all major parties

• Dasmunsi briefs Prime Minister

• Parties want law with retrospective effect

favour legislation with retrospective effect as they are affected in one way or another. In a letter to Mr. Dasmunsi on Monday, Janata Dal (United) leader George Fernandes said he learnt "from the media" that the Minister was to visit him on Sunday morning. But "you neither fixed an appointment, nor did you turn up."

Mr. Fernandes said there was a large pool of capable people inside and outside political parties who could competently hold "offices of profit" and such persons should be accommodated.

He was in favour of "separation" of all MPs and MLAs from "offices of profit."

## Jharkhand issue

In a related development, Jharkhand Chief Minister Arjun Munda has sent some 40 MLAs of the ruling coalition to Jaipur, ostensibly to prevent poaching. At the same time several United Progressive Alliance MLAs from Jharkhand arrived here and they are expected to petition President A.P.J. Abdul Kalam for disqualification of 13 ruling coalition MLAs, who hold offices of profit.

BJP secretary Vijay Goel said the Election Commission should continue to inquire into the allegation that Congress president Sonia Gandhi was holding an office of profit even though she had resigned from both the Lok Sabha and the National Advisory Council.

THE HINDU

28 MAR 2006

# No Ordinance on office of profit: Pranab

## Statesman News Service

KOLKATA, March 26. — The UPA government will not bring any Ordinance on "office of profit", said Mr Pranab Mukherjee, Union defence minister here today. "We have no intention to bring any Ordinance. Neither there was any truth in BJP's allegations that the government had decided to adjourn Parliament sine die to bring an ordinance

to save the Congress president Mrs Sonia Gandhi," he said. The government would decide whether to reconvene Parliament and introduce a Bill amending the prevailing law on offices of profit held by the MPs, after discussion with the Opposition and allies, he said.

Mrs Gandhi's resignation will have an impact on the forthcoming state elections including West Bengal, he said, making it

clear that the party would make it a high point of their poll campaign. Both Mrs Gandhi and Prime Minister Dr Manmohan Singh will join the election campaign while Mr Mukherjee and other leaders will begin it from 3 April. Mr Mukherjee acknowledged that the Left Front was a force to reckon with and the Trinamul Congress had made its presence felt. The state congress will contest in 257 seats leav-

ing 37 to the allies. List of rest of the candidates will be released shortly.

Taking a swipe at the Trinamul Congress chief Miss Mamata Banerjee, he said that those who wanted the Congress to join Trinamul Congress-BJP combine should explain their conduct now after joining the BJP bandwagon on deriding the Congress president. "Mrs Gandhi, who does not need anybody's certificate, has set an exam-

ple of sacrifice by stepping down and only the people judge her," he commented in an apparent reaction to Miss Banerjee's remark that Mrs Gandhi had "no other option left but to quit."

Taking a dig at the Left on the issue of holding offices of profit by the CPI-M MPs, he said it was up to them to explain their conduct and decide about their future course of action.

Defending his decision to pit Mr Subrata Mukherjee as the Congress candidate for Raja Sabha even if he lacked the adequate number of votes, the PCC president said that Mr Nilotpal Basu was pitted as the CPI-M candidate against him in the RS election in 1993 in a similar situation. "As we have 35 votes, we cannot allow the Left Front to win without a contest," he said.



Mr Pranab Mukherjee

TRIPURA, ARUNACHAL NEW TROUBLE SPOTS

# Consensus move as row spreads

SNS & PTI

NEW DELHI, March 26. — Even as efforts were on for a consensus to douse the office of profit controversy, the row spread to Arunachal Pradesh and Tripura today and MLAs of Jharkhand's ruling NDA and the Opposition decided to take the battle to Rashtrapati Bhavan.

In Itanagar, Opposition BJP petitioned Governor Mr SK Singh to disqualify 20 legislators — 16 belonging to the ruling Congress and four Independents supporting the Gegong Apang government — for allegedly holding offices of profit.

A spokesman said 10 of the MLAs were chairmen of PSUs and boards and six others were advisors to the chief minister. Four others were parliamentary secretaries.

The ruling Congress has 34 members in the 60-member Assembly while 13 belonging to the

## A-G's claim

RANCHI, March 26. — With 19 Jharkhand MLAs keeping their fingers crossed ever since their names were referred to Chief Election Commissioner Mr BB Tandon for "holding offices of profit", the state Advocate-General today claimed that all members of the Assembly were shielded by a 1950 Act of undivided Bihar. — PTI

Arunachal Congress and the NCP support the Gegong Apang ministry from outside.

Names of 14 MLAs belonging to Tripura's ruling CPI-M were referred by Governor Mr DN Sahay to the Election Commission today for determination whether they held offices of profit.

The Governor acted on a plea by a delegation of Opposition Congress and Indigenous Nationalist Party of Tripura (INPT), led by the Leader of the Opposition, Mr Ratan Lal

Nath who met him and demanded removal of the MLAs on the plea that they held offices of profit.

Opposition UPA legislators from Jharkhand reached New Delhi today, seeking disqualification of a number of NDA MLAs, after which members of the NDA decided to fly to the Capital tomorrow seeking the President's intervention in the issue.

The UPA MLAs from Jharkhand are seeking to meet President Dr APJ Abdul Kalam and Chief Election Commissioner Mr BB Tandon demanding disqualification of NDA MLAs allegedly holding offices of profit.

The Centre today continued its efforts at a consensus on a comprehensive amendment to the law relating to office of profit with parliamentary affairs minister Mr PR Das Munshi holding consultations with JD-U leader Mr Sharad Yadav and SP leader Mr Amar Singh.

27 MAR 2006

FILE

# Most parties for change in legislation

401 273  
'Consultation almost complete'

K.V. Prasad

Parliament (Office of Profit)

**NEW DELHI:** The Government on Sunday carried forward the process of consultation on the issue of office of profit, with the Parliamentary Affairs Minister Priyaranjan Dasmunsi meeting the Janata Dal (United) leader Sharad Yadav and establishing contact with others.

"The process is almost complete, barring three parties I have held consultations with all others and would submit my report to the Prime Minister on Monday after speaking to the rest," Mr. Dasmunsi told *The Hindu* on Sunday evening.

While there was consensus that the law should be amended, barring the Bharatiya Janata Party, most parties felt an all-party meet should be convened. The options under consideration of the Government include amending the definition of office of profit under the Parliament (Prevention of Disqualification) Act, 1959 or bring a fresh Bill to define it.

The majority view also favoured that Parliament and not the Election Commission be given the right to determine what constitutes an office of profit, he said.

In Delhi, Mr. Sharad Yadav suggested that since all parties were for a change in the law, the Government should bring forward a Bill to address their concern. However, the power to determine the office of profit should remain with Parliament, which has a Joint Committee to look into it and should not be left to either the Election Commission or the Courts, he said.

The Left parties, which opposed the Ordinance route, favoured a comprehensive Bill before Parliament. CPI National Secretary D. Raja said he suggested that the Government evolve a consensus.

Abani Roy (RSP) said beside taking into account the office of profit, an attempt should be made to address the role of professional and corporate interests involved in law making.

27 MAR 2006

THE HINDU

27 MAR 2006

ANAND BAZAR

# কমিশনকে তাড়াহুড়ো না করতে আজির উদ্যোগ

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৬ মার্চ: লাভের পদ নিয়ে অর্ডিন্যান্স না বিল—সে বিতর্কের অবসান হয়েছে। সংসদের বিশেষ অধিবেশন ডেকে বিল আনার ব্যাপারে রাজনৈতিক দলগুলির মধ্যে ঐকমত্যও হয়েছে। কিন্তু নির্বাচন কমিশনের ডুমিকা কী হবে, তা নিয়ে এখনও উদ্বেগ কাটেনি। সংসদীয় মন্ত্রী প্রিয়রঞ্জন দাশমুখি জানিয়েছেন, ১০ মে-র এক সপ্তাহ আগে কিংবা পরে নির্বাচনের দিনক্ষণ দেখে সংসদের বিশেষ অধিবেশন ডাকা হতে পারে। কিন্তু বিজেপি ও বাম দলগুলি চায় বিশেষ অধিবেশন আরও আগে ডাকা হোক। কারণ, ইতিমধ্যেই নির্বাচন কমিশনের কাছে বিজেপি ও বামদলগুলির বেশ কয়েক জন সদস্যের বিরুদ্ধে অভিযোগ জমা পড়েছে। তাদের আশঙ্কা, সংসদের বিশেষ অধিবেশন ডাকার আগেই নির্বাচন কমিশন এ বিষয়ে কোনও সিদ্ধান্ত নিয়ে ফেলাতে পারে। এই উদ্বেগ সরকারের কাছেও জানিয়েছে দলগুলি। সরকারও চাইছে, লাভের পদ নিয়ে যে হেতু আলাপ-আলোচনা চলছে এবং বিল আনার প্রক্রিয়া শুরু হয়েছে, তাই নির্বাচন কমিশনকেও বোঝানো হবে, যাতে তারা অভিযুক্তদের বিরুদ্ধে তড়িঘড়ি কোনও ব্যবস্থা না নেয়। প্রিয়রঞ্জন দাশমুখি যে হেতু সংসদীয় মন্ত্রী, তাই কমিশনের সঙ্গে কথা বলার দায়িত্ব তাকেই দেওয়া হয়েছে।

প্রধানমন্ত্রী মনমোহন সিংহ, বিরোধী দলনেতা লালকৃষ্ণ আডবানী, সিপিএম নেতা সীতারাম ইয়েচুরি, জেডিইউ নেতা শরদ যাদবের সঙ্গে আলোচনা হয়েছে প্রিয়বাবুর। অমর সিংহের সঙ্গেও কথা বলেছেন তিনি। সনিয়া গান্ধীর সঙ্গে ইয়েচুরি ও কারাটের টেলিফোনে কথা হয়েছে। সরকার সঙ্গে কথা বলে প্রিয়বাবু, সোমবার রিপোর্ট জমা দেবেন প্রধানমন্ত্রীকে। এর পরে সরকার সব দলের প্রতিনিধিদের নিয়ে আনুষ্ঠানিক ভাবে বসবে। প্রিয়র মতে, এর আগেও প্রয়োজন অনুসারে ১৯৫৯

বিরুদ্ধে আরও তথ্য চেয়ে অভিযোগকারী তৃণমূল কংগ্রেস নেতা মুকুল রায়ের কাছে কমিশন নোটিশ পাঠিয়েছে। বিস্তারিত তথ্য পাওয়ার পর কমিশন স্ক্যানিং শুরু করে যদি তাদের রায় রাষ্ট্রপতির কাছে পাঠিয়ে দেয়, তা হলে সংবিধান অনুযায়ী রাষ্ট্রপতি তা মেনে নিয়ে নির্দেশ দিতে বাধ্য।

লাভের পদ নিয়ে এত খোঁয়াশা থাকলেও কমিশনের পক্ষ থেকে স্পষ্ট করে দেওয়া হয়েছে, এ বিষয়ে সুপ্রিম কোর্টের বিভিন্ন রায় রয়েছে, যার ভিত্তিতে সংসদের যোগ্যতা বিচার করা হয়।

ভোটের আগে পশ্চিমবঙ্গে বামেদের সঙ্গে নির্বাচন কমিশনের সম্পর্ক এমনিতেই নরম-গরম। তার মধ্যে কমিশন যদি বাম সাংসদদের বিরুদ্ধে কড়া ব্যবস্থা নেয়, তা হলে পরিহ্রিত জটিল হতে পারে। সরকারি সূত্রের মতে, চট্টজলদি সিদ্ধান্ত না নেওয়ার ব্যাপারে প্রস্তাব রাখা হলে কমিশনের পক্ষ থেকে সদর্ধক সাড়া পাওয়া যাবে বলে আশা করা যায়। সম্প্রতি এ ভাবেই নির্বাচন কমিশনের সঙ্গে আলাপ-আলোচনা করে কেন্দ্রীয় সরকারি কর্মচারীদের এক কিস্তি মহাধর্মতা বাড়ানো হয়েছে। তখন টঙ্কন নিজেই জানান, পাঁচ রাজ্যে আদর্শ আচরণবিধি থাকলেও এই মহাধর্মতা বাড়ানোর ব্যাপারে কমিশনের আপত্তি নেই। এই ক্ষেত্রে বিষয়টি আলাদা হলেও কমিশনকে বোঝানো সম্ভব হবে বলে মনে করা হচ্ছে।

এ বাবে সব রাজনৈতিক দলের সঙ্গে কথা বলে লাভের পদ নিয়ে দ্রুত সিদ্ধান্ত নিতে চায় মনমোহন সরকার। জাতীয় উপদেষ্টা পরিষদের পদ থেকে সনিয়ার ইস্তফার পরে ওই পরিষদ তুলে দেওয়ার কথাও বলছেন অনেকে। কিন্তু বামেদের তাতে আপত্তি রয়েছে। তাই বামেরা চান, ওই পদে অন্য কাউকে চেয়ারপার্সন করা হোক। এ নিয়ে সনিয়ার সঙ্গে আলাদা ভাবে বৈঠকও করতে চায় বামদলগুলি।

## লাভজনক পদ-বিতর্ক

কমিশন সূত্রের মতে, এ ধরনের কোনও অভিযোগ এলে মূলত নিয়োগ ও সরকারের অধিকার সংক্রান্ত পাঁচটি বিষয় খতিয়ে দেখা হয়।

জয়া বচ্চনের ক্ষেত্রেও এই বিষয়গুলি খতিয়ে দেখা হয়েছিল। কমিশনের কোম্পার হাত থেকে জয়াকে বাতাসে মুলায়ম সরকার চেষ্টা করলেও শেষ রক্ষা হয়নি। জয়ার ব্যাপারে রাষ্ট্রপতির কাছে কমিশনের সুপারিশ পৌঁছানোর পর উত্তরপ্রদেশ সরকার বিল পাশ করে ৭.৯টি পদ 'অফিস অফ প্রফিট'-এর আওতার বাইরে রাখতে সচেষ্ট হয়েছে।

সালের 'প্রিভেনশন অফ ডিস-কোয়ালিফিকেশন' আইন সংশোধন করা হয়েছে, আবার করা হবে।

লাভের পদ নিয়ে রাজনৈতিক দলগুলি এখন এক মঞ্চে এলেও সমস্যা হচ্ছে নির্বাচন কমিশনকে নিয়ে। কমিশন জয়া বচ্চনের মতো কড়া ব্যবস্থা নিলে সবথেকে বেশি ক্ষতিগ্রস্ত হবে সিপিএম। লোকসভার অধ্যক্ষ সোমনাথ চট্টোপাধ্যায়-সহ দশ জন বাম সাংসদের বিরুদ্ধে অভিযোগ জমা পড়তে নির্বাচন কমিশনের কাছে। অভিযোগের ভিত্তিতে প্রাথমিক প্রক্রিয়াও শুরু করেছে কমিশন। এঁদের

## ইস্তফা দিতে চাওয়ার হিড়িক চলছেই

# বিশেষ অধিবেশনে বিল, মতৈক্য গড়ার চেষ্টায় দিনভর ব্যস্ত প্রিয়

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৫ মার্চ: রাস্তা এখন দু'টো। এক, সাংসদেরা নির্বিঘ্নে লাভজনক পদে থাকতে পারবেন। দুই, গা বাঁচানোর জন্য কিছু পদকে 'লাভজনক নয়' বলে চিহ্নিত করা হবে। লাভজনক পদ নিয়ে বিতর্কে ইতি টানতে সরকার যে বিল আনার প্রস্তুতি শুরু করেছে, সে সম্পর্কে এই দু'রকম মতই শোনা যাচ্ছে। তবে প্রধানমন্ত্রী মনমোহন সিংহ চাইছেন বিলের খসড়াটি পুঙ্খানুপুঙ্খ ভাবে সর্বসম্মত হোক। আর সেটাও যত শীঘ্র সম্ভব। তাই অসম সফর বাতিল করে যুদ্ধকালীন তৎপরতায় বিভিন্ন দলের সঙ্গে কথাবার্তা বলছেন সংসদীয় মন্ত্রী প্রিয়রঞ্জন দাশমুঙ্গি। দফায় দফায় তাঁকে রিপোর্ট দিতে হচ্ছে প্রধানমন্ত্রীকে।

আজ অসম সফরে যাওয়ার কথা ছিল প্রিয়বাবুর। কিন্তু প্রধানমন্ত্রীর নির্দেশে তা বাতিল করে লাভজনক পদ-সংক্রান্ত বিল নিয়ে তিনি আজই বিরোধী দলনেতা লালকৃষ্ণ আডবানী ও যশোবন্ত সিংহের সঙ্গে বৈঠক করেন। তার আগে কেন্দ্রে সমর্থক ও বিরোধী অন্য দলের নেতাদের সঙ্গেও তাঁর এক প্রস্তু বৈঠক হয়। বিজেপি বিল পাশ করানোর ব্যাপারে রাজি হয়েছে। বামেরাও সনিয়াকে ফোনে একই ইচ্ছার কথা জানিয়েছেন। এখন আলোচনার বিষয়বস্তু মূলত দু'টো। এক, প্রস্তাবিত বিলের পরিধি। আর দুই, বিলটি পাশ করানোর জন্য ফের সংসদের অধিবেশন ডাকার সুবিধাজনক দিন ক্ষণ নিয়ে বিবেচনা।

প্রথম প্রশ্ন হল, প্রস্তাবিত বিলের চেহারা কী হবে? সরকার ও রাজনৈতিক নেতাদের একাংশের মত, লাভজনক পদের বিতর্ককে একেবারে খারিজ করা হোক। অর্থাৎ, সাংসদ হলেও নির্দিষ্ট থাকার বাবে এ সব পদে। আর দ্বিতীয় প্রশ্ন, কোন কোন পদ লাভজনক, তা সুনির্দিষ্ট করা হোক প্রস্তাবিত বিলে। সেই সঙ্গে এটাও স্পষ্ট ভাবে জানিয়ে দেওয়া হোক, লাভজনক পদে থেকেও প্রত্যক্ষ বা পরোক্ষ ভাবে কোনও সুবিধা ভোগ না করলে সাংসদ পদ খারিজ হবে না। দ্বিতীয় প্রশ্নটি অনেক বেশি গ্রহণযোগ্য বলে মনে করা হচ্ছে। তবে বিল আনার আগে খুঁটিনাটি প্রতিটি বিষয় নিয়েই সর্বদলীয় বৈঠকে আলোচনা করতে আগ্রহী প্রধানমন্ত্রী। যাতে বিল নিয়ে পুঙ্খানুপুঙ্খ ভাবে একমত হওয়া যায়।

আরও বড় প্রশ্ন ঝুলে রয়েছে বিলের 'রেট্রোস্পেক্টিভ এফেক্ট' নিয়ে। সেই ভাবে আইন করা হলে এখনই বিধায়ক বা সাংসদ পদ যাবে দল-নির্বিশেষে অনেকেরই। তাই

রেট্রোস্পেক্টিভ নীতির দাবিতে সরব হয়ে বিজেপি গোড়ায় যে পরাক্রম দেখিয়েছিল, তা-ও এই মুহূর্তে অনেকটা ফিকে হয়ে গিয়েছে।

সরকারি সূত্রের খবর, লাভজনক পদ নিয়ে প্রাথমিক ভাবে বিভিন্ন রাজনৈতিক দলের মতামত খতিয়ে দেখে শীঘ্রই সর্বদলীয় বৈঠক ডাকবেন প্রধানমন্ত্রী। সর্বসম্মত ভাবে বিলের খসড়া তৈরির পরেই সংসদের বিশেষ অধিবেশন ডাকা হবে। তবে সরকারের শীর্ষ সূত্রের খবর, প্রস্তাবিত বিল পাশ করানোর জন্য সংসদের অধিবেশন ডাকা হলেও তা মে মাসের আগে কোনও ভাবেই সম্ভব নয়।

কারণ, পাঁচ রাজ্যে আসন্ন নির্বাচন নিয়ে বিজেপি-র তেমন কোনও মাথাব্যথা না থাকলেও কমবেশি প্রতিটি রাজ্যেই কংগ্রেস একটি বড় শক্তি। বস্তুত, ভোটের দিনক্ষণ ঘোষণার প্রেক্ষিতেই বাজেট অধিবেশনের সময়সূচিও পরিবর্তন করা হয়েছিল। স্থির হয়েছিল, দ্বিতীয় দফায় বাজেট অধিবেশন শুরু হবে ১০ মে। এখন মনে করা হচ্ছে, লাভজনক পদ-সংক্রান্ত বিল আনার জন্যও ওই সময়টিকেই বেছে নেবে সরকার।

সনিয়ার পদাঙ্ক অনুসরণ করে ইস্তফা দেওয়ার হিড়িক আজও অব্যাহত ছিল। মধ্যপ্রদেশের ২৫ জন বিধায়ক নিয়ে শনিবার সাত সকালেই হাজির হয়েছিলেন তরুণ সাংসদ জ্যোতিরাদিত্য সিঙ্কিয়া। ইস্তফা নিয়ে গিয়েছিলেন সুরেশ পট্টোরি ও কাঙ্কিলাল ভুরিয়ার মতো সাংসদেরাও। কিন্তু সনিয়া তাঁদের ইস্তফা ফিরিয়ে দেন। বস্তুত ২৩০ সদস্যের মধ্যপ্রদেশ বিধানসভায় কংগ্রেসের বিধায়ক রয়েছেন মাত্র ৩৮ জন। তার মধ্যে ২৫ জন ইস্তফা দিয়ে দিলে বিধানসভা যে কার্যত বিরোধীশূন্য হওয়ার উপক্রম হবে, তা নিয়ে কোনও সংশয় নেই। এ ধরনের সঙ্কট এড়ানোর জন্যই বিল নিয়ে যত দ্রুত সম্ভব মতৈক্যে পৌঁছাতে চাইছে কেন্দ্র।

অন্য দিকে, রাজ্যসভা থেকে আজ ইস্তফা দেন শিল্পপতি অনিল অম্বানীও। রাজ্যসভায় নির্বাচিত হওয়ার আগে থেকেই অনিল উত্তরপ্রদেশ উন্নয়ন পর্ষদের সাম্মানিক সদস্য ছিলেন। তাঁর কথায়, সামাজিক জীবনে স্বচ্ছতা বজায় রাখা ও বিতর্ক এড়ানোর জন্যই তিনি ইস্তফা দিলেন। পদত্যাগের পাশাপাশি অম্বানী আজ জানিয়ে দিয়েছেন, পুনর্বার নির্বাচিত হয়ে তিনি আর রাজ্যসভায় ফিরতে চাইছেন না।

### আপনার মতে

সাংসদদের বাড়তি সুবিধাভোগ  
বজায় রাখতেই কি 'লাভজনক  
পদ' আইন বদলানোর উদ্যোগ?

এসএমএস করুন ৮২৪৩ নম্বরে

'হ্যাঁ' হলে লিখুন: **Apoll a**

'না' হলে লিখুন: **Apoll b**

উত্তর পাঠান হাচ, এয়ারটেল, টাটা  
ইন্ডিকম, রিলায়েন্স ইন্ডিয়া অথবা  
বিএসএনএল মোবাইল থেকে।

রেল পুলিশের গাফিলতির  
জন্যই কি লোকাল ট্রেনে  
দুর্ঘটীদের তাণ্ডব বাড়ছে?

হ্যাঁ ৯৬% না ৪%

ANADARAZAR PATRIKA

# Anil Ambani

## is next to go

### But Sonia Rejects Offer Of Scindia, 26 MLAs To Quit

TIMES NEWS NETWORK  
& AGENCIES

**New Delhi:** Noted industrialist Anil Ambani on Saturday resigned from the Rajya Sabha. Ambani was elected to the upper house of parliament as an independent candidate from Uttar Pradesh with the support of Samajwadi Party in June 2004.

He had joined the Uttar Pradesh Development Council in an honorary capacity prior to his election to the Rajya Sabha. An Anil Dhirubhai Ambani Group statement said there had been no issue over his continuing

as a member of the UPDC after being elected to the Rajya Sabha. However, explaining his decision, Ambani said, "It is my firm view that in public life one must uphold the highest standards of transparency, propriety and ethics and avoid any possibility of controversy, however remote or unlikely. Keeping in this mind, I have decided to tender my resignation from Rajya Sabha with immediate effect."

Meanwhile, Congress Lok Sabha MP Jyotiraditya Scindia and 26 of the party's 38 MLAs from Madhya Pradesh met AICC president Sonia Gandhi in New Delhi and expressed their desire to resign to express solidarity with her.

They offered to quit despite the party leadership asking party members not to resign from their posts over the office of profit is-

sue. The important among those who offered to quit as legislators were leader of opposition in Madhya Pradesh Jamuna Devi, state party chief Subhash Yadav, deputy speaker Hazarilal Raghuvanshi and Ajay Singh, son of Union HRD minister Arjun Singh.

Sonia, however, advised them not to get emotional and put in their papers. After meeting Sonia, the delegation met President A P J

Abdul Kalam at Rashtrapati Bhavan and raised the issue of chief minister Shivraj Singh Chauhan holding three posts. They also submitted a memorandum



alleging that 11 ministers and the chief minister were holding offices of profit.

Reacting to the Congress MLAs' move, Chauhan, quoting the Madhya Pradesh Assembly Member (Prevention of Disqualification) Act 1967 (amended in 1982), said state ministers could hold additional posts. The amendment to the Act was carried out in 1982 when Congress leader Arjun Singh was the chief minister, he argued.

Meanwhile, the Centre began consulting political parties on the office of profit issue amid demands that a comprehensive legislation be brought to define the ticklish matter. Parliamentary affairs minister Priyaranjan Dasmunshi met Prime Minister Manmohan Singh, the CPI(M)'s Sitaram Yechury and CPI's D Raja to elicit their views on a legislation to define office of profit.

26 MAR 2006

THE WALLS OF INDIA



# Consultations begin on office of profit

## Dasmunsi begins talks with Opposition leaders

Neena Vyas

**NEW DELHI:** Parliamentary Affairs Minister Priyaranjan Dasmunsi has begun the process of consulting Opposition and other party leaders on the growing demand from political parties that the Parliament (Prevention of Disqualification) Act, 1959 on office of profit must be amended. Discussions are believed to be taking place on when an urgent Parliament session should be convened.

### Calls on Advani

On Saturday Mr. Dasmunsi called on the Leader of Opposition, L.K. Advani. In fact, a meeting of the National Democratic Alliance leaders scheduled on Saturday evening did not take place because the NDA wanted to know what the Government thinking was, a party leader said.

Stung by BJP criticism that the Congress was "subverting" parliamentary and constitutional norms to "protect" Congress president Sonia Gandhi, Mr. Dasmunsi said on Friday that the Government was not thinking of issuing any ordinance on the subject, nor was there any move to enact any legislation. That was after Ms. Gandhi's resignation from the Lok Sabha.

It is not very clear whether Mr. Dasmunsi's meeting with Mr. Advani and other party leaders will pave the way for an all-party meeting on this subject or straightaway an agreement will be reached on calling an early session of Parliament to amend the Act to save several State Governments that would otherwise fall: if a number of ruling legislators were disqualified for holding offices of profit.

In Uttaranchal, a Bill to pro-

tect legislators from disqualification on the ground of holding an office of profit has been tabled amid noisy scenes. In Jharkhand, the BJP-led Government passed a similar legislation with retrospective effect through a voice vote amid chaotic scenes. In Madhya Pradesh, the BJP Government headed by Shivraj Singh Chauhan faced the wrath of Congress legislators who demanded the Chief Minister's "disqualification" and resignation. Complaints have been made against 10 BJP ministers in Madhya Pradesh.

Political parties, including those of the NDA, are now trying to cope with the problem of a flood of "complaints" lodged against their legislators seeking their disqualification. Some Governors have already forwarded the complaints to the Election Commission.

# Congress leaders offer to quit

## Meet Sonia; party workers still on dharna on Akbar Road

Special Correspondent

**NEW DELHI:** Two days after Congress president Sonia Gandhi resigned from the Lok Sabha and as chairperson of the National Advisory Council, following the controversy over the office of profit issue, Congress leaders, MLAs, MPs and workers continued to express their support for her.

On Saturday, 25 MLAs from Madhya Pradesh offered to resign. The MLAs, led by Leader of

the Opposition Yamuna Devi met Ms. Gandhi, who rejected their offer to resign. Jyotiraditya Scindia, Congress MP from Guna, and Minister of State for Personnel Suresh Pachauri also met Ms. Gandhi.

"We are with Soniji. She is our leader and we have expressed our feelings to her. If she wants and allows, all of the MLAs are ready to resign," Ms. Yamuna Devi said.

The MLAs also submitted a letter to the party president, say-

ing they had full faith in her leadership. The letter was signed by 38 MLAs.

Congress workers and volunteers continued to stay put outside her 10 Janpath residence, though their numbers appeared to have dwindled.

Cadres of the National Students Union of India (NSUI), the Youth Congress, the Sewa Dal and the Nehru Brigade were sitting on a dharna on Akbar Road, near her residence and the party headquarters.

THE HINDU

## আইন মানলে ফের ভোটের উপক্রম

# তলে তলে একমত্যের চেষ্টি চালাচ্ছে সব দলই

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৪ মার্চ: কাল পর্যন্ত ছিল যুযুধান দুই পক্ষ। প্রকাশ্যে মাইক ফুঁকে আজও তারা পরস্পরের বিরুদ্ধে বোমাবর্ষণ করেছে। কিন্তু এই 'মেগাফোনের রাজনীতি'র আড়ালে, সকলের অলক্ষ্যে কংগ্রেস, বিজেপি, সমাজবাদী পার্টি— সকলেই 'অফিস অফ প্রফিট' নিয়ে ধোঁয়াশা কাটানোর জন্য একমত্য রচনায় সচেষ্ট।

সনিয়া গান্ধীর ইস্তফা ব্যক্তিগত ভাবে তাঁকে চলতি বিতর্কের উর্ধ্বে নিয়ে গিয়েছে। কিন্তু মূল সমস্যার সমাধান হয়নি। এখন দেখা যাচ্ছে, 'অফিস অফ প্রফিট' আইন মানতে গেলে শুধু লোকসভা থেকেই নানা দলের প্রায় ৮৫ জনকে ইস্তফা দিতে হয়। যে বিজেপি এ বিষয়ে সনিয়া-বিরোধী অভিযানে নেমেছে, ক্ষমতায় থাকা রাজ্যগুলিতে তাদের বহু মন্ত্রীকেও যে একই ভাবে ইস্তফা দিতে হতে পারে, সেটা আজ স্পষ্ট হয়ে গিয়েছে।

লোকসভার এক প্রবীণ নেতার মন্তব্য, আইন মানতে গেলে তো তা হলে মড়ক লেগে যাবে। শুধু কেন্দ্রে নয়, রাজ্যে রাজ্যে, জেলায় জেলায় 'লাভজনক পদ' আইনের গুঁতোয় ইস্তফা দিতে হবে শ'য়ে শ'য়ে লোককে। তখন তো আর উপনির্বাচন নয়, আর একটা লোকসভা নির্বাচন করতে হবে। কোনও দলের সাংসদই অন্তর্বর্তী নির্বাচন চান না। অতএব মুখে যতই আশ্বাসন করুক না কেন,

আপাতত সব দলই ভিতরে ভিতরে আইন সংশোধন করে এ ব্যাপারে ধোঁয়াশা ঘোচাতে চাইছে।

সনিয়ার সঙ্গে এ নিয়ে প্রধানমন্ত্রী মনমোহন সিংহের এক প্রস্তাব আলোচনাও হয়ে গিয়েছে। প্রধানমন্ত্রী সর্বদলীয় বৈঠকে আলোচনার মাধ্যমে সংসদে বিল আনতে উদ্যত। বাম নেতৃত্ব দাবি তুলেছেন, অধিবেশন ডেকে নতুন বিল এনে এই আইনের অস্পষ্টতা দূর করা হোক। কংগ্রেস নেতৃত্বও চাইছেন, যা হয়ে গিয়েছে, হয়ে গিয়েছে। এ বার

অর্ডিন্যান্স আনার চেষ্টি করেছিল, তা সমর্থন করা যায় না। আমরা চাই গোটা বিষয়টি নিয়ে খোলাখুলি কথা হোক।"

প্রকাশ্যে আক্রমণের এই রাজনীতিতে বিজেপিকে ছেড়ে কথা বলেনি কংগ্রেসও। দলের মুখপাত্র অভিষেক মনু সিংঘাভি বলেছেন, "শুধু সনিয়াকে আক্রমণ করাই বিজেপি'র লক্ষ্য। এই রাজনৈতিক অভিসন্ধি থাকলে তো আর আলোচনা হতে পারে না। লাভজনক পদ নিয়ে বিভিন্ন রাজ্যে বিজেপি যে সমস্যায় পড়বে, সে দিকে আগে তাদের নজর দেওয়া উচিত। তার পর তারা বলুক, তারা সত্যিই আলোচনা চায় কি না।"

বস্তুত, 'লাভজনক পদ' নিয়ে সবচেয়ে সমস্যায় পড়েছে বিজেপিই। কালু ও তরুণ বড় মুখ করে জন্মিয়েছিল, অর্ডিন্যান্স জারি করে আইন সংশোধন করা হলে তারা বিরোধিতা করবে। কারণ, যে সব সদস্য এই আইন হওয়ার আগে দু'টি পদে বহাল থেকেছেন, তাঁদের ক্ষেত্রেও 'রেট্রোস্পেক্টিভ' নীতি অনুসরণ করে বিচার করতে হবে। অতীতের অপরাধের শাস্তি দিতে হবে। আর আজই ঝাড়াখণ্ডে নিজেদের সরকার টেকাতে বিধানসভায় তড়িঘড়ি বিল পাশ করে অনির্দিষ্ট কালের জন্য বিধানসভা মূলতুবি করে দিয়েছে বিজেপি। প্রশ্ন হল, এ ক্ষেত্রেও 'রেট্রোস্পেক্টিভ' নীতি বিজেপি মানবে

এর পর নয়ের পাতায়

● লাভের পদের আরও খবর...পৃঃ ৫

## লাভের পদের গুঁতো

একমত্য গড়ে তোলার চেষ্টি হোক। প্রধানমন্ত্রীও তাই জানিয়ে দিয়েছেন, সকলের সঙ্গে আলোচনা করে এ ব্যাপারে একটা মীমাংসা হওয়াই ভাল। লোকসভার স্পিকার সোমনাথ চট্টোপাধ্যায় ভিয়েতনাম সফর বাতিল করে দেশেই আছেন। তিনিও শীঘ্রই সব দলের সঙ্গে আলোচনা শুরু করবেন। মে মাসে সংসদের অধিবেশন বসলে এই বিল আসার কথা। কিন্তু লোকসভায় বিরোধী দলনেতা লালকৃষ্ণ আডবানী বলেছেন, "আমরা চাই অবিলম্বে সংসদের অধিবেশন ডেকে বিষয়টির নিষ্পত্তি করা হোক।" তবে একই সঙ্গে কংগ্রেসের দিকে তোপ দেগে তিনি বলেছেন, "সরকার যে ভূমিকা গ্রহণ করেছিল, যে ভাবে সংসদ অনির্দিষ্ট কালের জন্য মূলতুবি করে দিয়ে

25 MAR 2006

ANANDABAZAR PATRIKA

# Ordinance: CPI against, CPI(M) non-committal

PRESS TRUST OF INDIA  
NEW DELHI, MARCH 23

The CPI today opposed any ordinance to redefine the meaning of 'office of profit' while the CPI(M) was not forthcoming on the issue saying only Parliament was empowered to legislate on the matter.

The Left stand assumes significance with reports that government was planning to bring an ordinance to redefine the "office of profit" which the Opposition parties yesterday alleged was aimed at saving Sonia Gandhi from "certain disqualification" as MP.

CPI leader D Raja, who met CPI(M) General Secretary Prakash Karat here, later told reporters that "we are not for the ordinance route. Parliament is empowered to decide and only it should decide".

The CPI(M) Politburo issued a statement saying "under the Constitution, Parliament is empowered to decide

on the definition of 'office of profit' and to exempt any office from disqualifying its holder under the 'office of profit' clause". To repeated questions, CPI(M) Politburo member Sitaram Yechury refused to say whether the party was opposed to the ordinance route.

"Parliament has to urgently and immediately take up the issue. It is up to the government to see how they do it. Parliament will have to enact the law. Eventually, even it (ordinance) will have to come to Parliament," he told reporters.

He said there was an urgent need to amend the laws to define "office of profit", as members of all major political parties would be affected by it. "The list cuts across parties, at least all the major political parties," he said.

Yechury said "flaws in the law have to be rectified urgently" and the party was ready for consultations with the government.

Asked why the party was

now favouring a redefinition of the act, while it had kept mum during the Jaya Bachchan episode, Yechury said he had raised the issue in Parliament at least two weeks back and had demanded that loopholes in the act be plugged.

The Politburo statement said the party was "of the view that Parliament should immediately undertake legislation in order to put certain offices held by members outside the purview of the 'office of profit' until the Parliament comprehensively defines what is an 'office of profit'." "It is necessary for members of Parliament to discharge various responsibilities as part of public service. It will not be proper to bring all such positions under the 'office of profit' definition," it added.

The party was for adopting necessary legislation so that disqualification under the 'office of profit' of Article 102 of the Constitution was not applied "sweepingly and indiscriminately".

24 MAR 2006

INDIAN EXPRESS



# আমি মর্মান্বিত

কিছু লোক এমন পরিস্থিতি সৃষ্টির চেষ্টা করছে, যাতে মনে হচ্ছে, সংসদ ও সরকার আমার স্বার্থে ব্যবহার করা হচ্ছে। এতে আমি মর্মান্বিত। ... নিজের স্বার্থে রাজনীতিতে আমি আমার রাজনৈতিক জীবন ও আদর্শের সঙ্গে সঙ্গতি রেখে ...ইস্তফা দিলাম। ... এটাই একমাত্র ঠিক সিদ্ধান্ত।

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গাফিলত: স্বরূপ দণ্ডপাট



**সোমনাথ চট্টোপাধ্যায়**  
চেয়ারম্যান, এস এস ডি এ, সাংসদ থাকাকালীন পশ্চিমবঙ্গ শিল্পোন্নয়ন নিগমের চেয়ারম্যান (এখন প্রাক্তন)

## বিতর্কিত একাদশ



**মহম্মদ সেলিম**  
চেয়ারম্যান, ডব্লিউ বি এস এক ডি সি গভর্নিং বডি মেম্বর, পশ্চিমবঙ্গ উর্দু অ্যাকাডেমি মেম্বর, প্রেস কাউন্সিল অফ ইন্ডিয়া



**নীলোৎপল বসু**  
চেয়ারম্যান, ওয়েস্ট বেঙ্গল স্টেট গ্রামীণ সঞ্চয় সোসাইটি



**স্বদেশ চক্রবর্তী**  
চেয়ারম্যান, এইচ আর বি সি



**হামান মোল্লা**  
চেয়ারম্যান, পশ্চিমবঙ্গ ওয়াকফ বোর্ড মেম্বর, সেন্ট্রাল ওয়াকফ কাউন্সিল



**সুজন চক্রবর্তী**  
চেয়ারম্যান, ডব্লিউ বি এস পি সি



**তড়িৎবরণ তোপনার**  
হাই পাওয়ার কমিটি মেম্বর, হ্যাভলুম



**সুধাংশু শীল**  
চেয়ারম্যান, মল্লিকহাট ফুল ব্যবসায়ী সমিতি



**অমিতাভ নন্দী**  
ভাইস চেয়ারম্যান, ডব্লিউ বি এস এক ডি সি



**লক্ষ্মণ শেঠ**  
চেয়ারম্যান, এইচ ডি এ



**বংশধরপাল চৌধুরী**  
চেয়ারম্যান, এ ডি ডি এ

## সংসদে আইন বদল চান বামেরা, আলোচনার পক্ষপাতী মনমোহন

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৩ মার্চ: সনিয়া গাঁধী তো ইস্তফা দিলেন। অতঃকিম? আজ দুপুরের পর থেকে এই প্রশ্নই ঘুরে বেড়িয়েছে উত্তাল রাজধানীতে। দিনের শেষে কোনও স্পষ্ট মত অবশ্যই মেলেনি। সরকারি সূত্রের খবর, অর্ডিন্যান্সের বদলে প্রয়োজনে সংসদের বিশেষ অধিবেশন ডেকে এ বার বিল পেশ করতে পারে ইউপিএ সরকার। আসলে সনিয়া ইস্তফা দেওয়ায় কেন্দ্রের আর তাড়া নেই। কেন্দ্রীয় মন্ত্রী ও বিশিষ্ট আইনজীবী কপিল সিংবলের মতে, এখন সংসদের অধিবেশন ডেকে আইন করা বা অর্ডিন্যান্স আনা একই ব্যাপার। দু'টি ক্ষেত্রেই সংসদের অনুমোদন লাগবে। আগে আর পরে, এই তফাত। প্রধানমন্ত্রী মনমোহন সিংহও আজ জানান, অর্ডিন্যান্স আনার ব্যাপারে এখনও সিদ্ধান্ত নেওয়া হয়নি। সব পথই খোলা। সব রাজনৈতিক দলের সঙ্গে কথা বলে একমতের পৌঁছানোর চেষ্টা করবে সরকার। যদিও আইন মন্ত্রক অর্ডিন্যান্সের খসড়া ইতিমধ্যেই তৈরি করে রেখেছিল। অর্ডিন্যান্স জারি হলে সব মিলিয়ে ৬৪টি পদ 'অফিস অফ প্রফিট'-এর আওতার বাইরে চলে যেত। যার মধ্যে ছিল জাতীয় উপদেষ্টা পরিষদের চেয়ারপার্সনের পদও, আজ দুপুর পর্যন্ত যে পদে ছিলেন সনিয়া স্বয়ং। কংগ্রেস সূত্রের মতে, এই অর্ডিন্যান্স জারি হলে শুধু কংগ্রেস নয়, সব দলেরই লাভ হত। কিন্তু বিরোধীরা শুধু সনিয়াকেই আক্রমণের লক্ষ্য হিসাবে বেছে নেন। সনিয়া যখন সংসদ ও জাতীয় উপদেষ্টা পরিষদের পদ

থেকে ইস্তফা দিয়েছেন, তখন আইন বদলাতে কী পদ্ধতি ব্যবহার করা হল, তাতে কী এসে যায়? সনিয়ার ইস্তফায় চাপে থাকা সিপিএমও চাইছে, সংসদে এ বিষয়ে শীঘ্রই বিল আনা হোক। দলের পলিটব্যুরোর জারি করা বিবৃতিতে বলা হয়েছে, কোন কোন পদ লাভজনক সেটা সংসদ যত ক্ষণ না চূড়ান্ত ভাবে চিহ্নিত করছে, তত ক্ষণ আইন করে কয়েকটি পদকে অব্যাহতি দেওয়া উচিত। কেননা, জনসেবার অঙ্গ হিসাবেই সাংসদের এই সব পদে থাকতে হয়। বাম শরিক আরএসপি-র নেতা অবনী রায় আরও এক ধাপ এগিয়ে দাবি জানিয়েছেন, শুধু সরকারি পদ থাকলে সাংসদের মাসুল গুনতে হয়। যে সব সাংসদ বেসরকারি পদে থেকে অর্থ রোজগার করছেন, তাঁদেরও এই আইনের আওতায় আনা উচিত। শুধু বামেরা নয়, ইস্তফা দিয়ে সব দলকেই চাপের মুখে ফেলে দিয়েছেন সনিয়া। প্রায় চল্লিশ জন সাংসদের বিরুদ্ধে লাভজনক পদে থাকার অভিযোগ রয়েছে। এঁদের মধ্যে সিপিএমের সাংসদ যেমন আছেন, তেমন আছেন বিজেপি'র সদস্যও। লোকসভার বিরোধী দলনেতা লালকৃষ্ণ আডবানী অবশ্য আজ স্পষ্ট জানিয়ে দিয়েছেন, "জাতীয় স্তরে আমাদের এমন কোনও নেতা নেই, যিনি এই 'লাভের পদ' ভোগ করেন।" কিন্তু রাজ্য স্তরে থাকতে পারেন বেশ কয়েক জন। বামেরদের উদ্বেগ বেশি, কারণ তাঁদের এগারো জন সাংসদের বিরুদ্ধে অভিযোগ জমা পড়েছে রাষ্ট্রপতির

কাছে। সনিয়া আজ যাঁর কাছে পদত্যাগপত্র দিয়েছেন, সেই লোকসভার স্পিকার তথা সিপিএম সাংসদ সোমনাথ চট্টোপাধ্যায় নিজেই অভিযোগের ঘেরাটোপে। লাভজনক পদ ভোগ করছেন, এই অভিযোগ তুলে বাম সাংসদদের যে তালিকা তৃণমূল নেত্রী মমতা বন্দোপাধ্যায় গত ৮ মার্চ রাষ্ট্রপতি এ পি জে আব্দুল কালামের কাছে পাঠিয়েছেন, তার মধ্যে সোমনাথবাবুর নামও রয়েছে। তাঁর বিরুদ্ধে অভিযোগ, সাংসদ হওয়া সত্ত্বেও তিনি শ্রীনিবেশ শান্তিনিকেতন উন্নয়ন পর্ষদের চেয়ারম্যান পদে আছেন। ঠিক একই ভাবে মহম্মদ সেলিম, লক্ষণ শেঠ, হামান মোল্লা, অমিতাভ নন্দী, সুধাংশু শীল থেকে আরম্ভ করে রাজ্যসভার বিদায়ী সাংসদ নীলোৎপল বসুর মতো এগারো জন সিপিএম সাংসদের বিরুদ্ধেও অভিযোগ উঠেছে। যদিও মহম্মদ সেলিমের বক্তব্য, "আর্থিক সুযোগ-সুবিধা বা 'পার্কস' নেওয়ার ব্যাপার থাকে এমন কোনও পদ আমরা গ্রহণ করি না।" অন্য দিকে, মমতা বন্দোপাধ্যায় আজই এই সব সিপিএম সাংসদের পদত্যাগ দাবি করেছেন। এর জবাবে সেলিম জানান, "মমতা যে সব অভিযোগ তুলেছেন, সেগুলি কি ভাল করে খোঁজখবর নিয়ে করেছেন? আমরা কি আদৌ কোনও সুযোগ-সুবিধা নিয়ে করেছি? বাম নেতৃত্বের পক্ষ থেকে জাননো হয়েছে, তাঁদের কোনও সাংসদ এই মুহূর্তে ইস্তফা দেবেন না। সোমনাথবাবুর পক্ষ থেকেও একই কথা জানিয়ে দেওয়া হয়েছে।"

# সংবিধানে সংজ্ঞা নেই, তাই যত ধোঁয়াশা

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২৩ মার্চ: জয়া বচনের রাজ্যসভার সদস্যপদ খারিজ পর্ব থেকে শুরু করে সনিয়ার পদত্যাগ। সারা দেশ জুড়ে লাভজনক পদ বা 'অফিস অফ প্রফিট' নিয়ে বিতর্ক শুরু হয়েছে। বিষয়টি আসলে কী?

১৯৫৯ সালের 'দ্য পার্লামেন্ট (প্রিভেনশন অফ ডিসকোয়ালিফিকেশন) অ্যাক্ট'-এ কোনও সাংসদের সদস্যপদ খারিজের শর্ত কী হওয়া উচিত, তা ব্যাখ্যা করা আছে। এই আইনের দ্বিতীয় অনুচ্ছেদে আইনের সংজ্ঞা এবং তৃতীয় অনুচ্ছেদে বলা আছে কোন কোন অফিসকে 'লাভজনক পদ'-এর আওতা থেকে বাদ দেওয়া হবে। কিন্তু এই সংজ্ঞায় লাভজনক পদের ব্যাপারে কোনও উল্লেখ নেই। অর্থাৎ কোনটা লাভজনক পদ তার সংজ্ঞা সেখানে নির্ধারিত নয়।

লাভজনক পদের সংজ্ঞা সংবিধান কিংবা ১৯৫১-র জনপ্রতিনিধি আইনেও বলা নেই। ১৯৫৯ সালের আইনের তৃতীয় অনুচ্ছেদে এ রকম দশটি তালিকা দেওয়া আছে, যেগুলি লাভজনক পদের আওতায় আসে না। তার বাইরে কোনও সাংসদ যদি কোনও পদ ধারণ করেন, তা হলে সংবিধানের ১০২ ধারায় তাঁকে অযোগ্য বলে গণ্য করা হবে। ওই ধারায় সংসদকে লাভজনক পদের আওতা বহির্ভূত তালিকা সংশোধনের অধিকার দেওয়া হয়েছে। কোনও সাংসদ মন্ত্রী কিংবা কলকাতা, মুম্বই বা চেম্বাইয়ের শেরিফ, অথবা কোনও বিশেষ ব্যাপারে সরকারের প্রতিনিধি দলের সদস্য কিংবা সংসদ বা সংসদীয় সচিবালয়ের ছইপ, চিফ ছইপ, বিশ্ববিদ্যালয়ের সিন্ডিকেট, সেনেটের সদস্য বা চেয়ারম্যান ইত্যাদি হলে সেটি লাভজনক পদ বলে গণ্য করা হবে না। অর্ডিন্যান্স কিংবা আইন এনে এই তৃতীয় অনুচ্ছেদটিই সংশোধন করতে চেয়েছিল কেন্দ্র। লাভজনক পদ বলে গণ্য হবে না এমন তালিকায় আরও কিছু পদ ঢোকাতে চেয়েছিল তারা। আর এটি নিয়েই মূল বিতর্ক।

কিন্তু বিশেষজ্ঞদের মতে, তৃতীয় অনুচ্ছেদের বদলে যদি লাভজনক পদের সংজ্ঞাটাই ঠিকমতো নির্ধারণ করা হত, তা হলে এই বিষয় নিয়ে ধোঁয়াশা অনেকটাই কাটানো সম্ভব হত। কারণ, কোনটা লাভজনক পদ আর কোনটা নয়, তা এখনও সকলের কাছে স্পষ্ট নয়। তা হলে কীসের

## লাভজনক পদ (অফিস অফ প্রফিট)

- সাংসদরা দ্বিতীয় চাকরি হিসাবে কোনও লাভজনক সরকারি পদে থাকতে পারেন না।
- সরকারের কাজকর্ম খতিয়ে দেখা সাংসদদের কাজ।
- সাংসদরা সরকারি পদে গেলে নিরপেক্ষ ভাবে সরকারের কাজ খতিয়ে দেখা যায় না।
- এই কারণেই লাভজনক পদে সাংসদদের থাকার অনুমতি নেই। যদিও এর সুনির্দিষ্ট সংজ্ঞাও দেয়নি সংবিধান।
- কোনটি লাভজনক পদ আর কোনটি নয়, তা স্থির করবে সংসদ ও বিভিন্ন রাজ্যের আইনসভা।
- বিশেষজ্ঞদের মতে, টাকা রোজগার না করে ওই পদ থেকে বিশেষ সুবিধা পেলে সেটিও লাভজনক পদ।
- এই পদে থাকলে সাংসদকে বরখাস্ত করতে পারেন রাষ্ট্রপতিই। তবে এর নিষ্পত্তি সাধারণত আদালতেই হয়।

ভিত্তিতে কোনও সাংসদ যোগ্য না অযোগ্য বিচার করা হয়? বিশেষজ্ঞদের মতে, সে ক্ষেত্রে দেখা হয়, তিনি সেই পদ থেকে টাকা নিচ্ছেন কি না। তার থেকেও বড় কথা তিনি কোনও লাভ করছেন কি না। অনেকের মতে, সাংসদদের দ্বিতীয় পদ থেকে টাকা নিলেও কোনও অসুবিধা নেই। যদি সেই পদে থেকে তাঁর কোনও খরচ হয়, সেই টাকা যদি তাঁকে মিটিয়ে দেওয়া হয়, তাহলে অসুবিধার কিছু নেই। কিন্তু যদি পরিস্থিতি এমন হয়, সেই সাংসদ কোনও লাভ করছেন, আরও সহজ কথায় বললে তিনি এমন কিছু অর্থ পাচ্ছেন যেটি সেই পদের জন্য কোনও খরচ নয়। অর্থাৎ তিনি বাড়তি অর্থ পাচ্ছেন, তিনি সেই টাকা সঞ্চয় করতে পারছেন, তাহলে সেটি লাভজনক পদের আওতায় আসবে।

কংগ্রেসের পক্ষ থেকে মন্ত্রী ও বিশিষ্ট আইনজীবী কপিল সিং বারবার জানিয়েছেন, সনিয়া গাঁধীর পদ লাভজনক নয়। কোনও টাকা তিনি সেখান থেকে নিতেন না। জয়া বচনও একই দাবি করেছিলেন। কিন্তু তা সত্ত্বেও তাঁর সদস্যপদ খারিজ হয়েছে, যেটিকে চ্যালেঞ্জ জানিয়ে জয়া এ বার সুপ্রিম কোর্টের দ্বারস্থ হয়েছেন।

আসলে এই বিষয়টি নিয়ে ধোঁয়াশার অন্ত নেই বলেই এত বিতর্ক। এই বিতর্কের জন্যই উত্তরপ্রদেশের মুখ্যমন্ত্রী মুলায়ম সিংহ যাদবকে নতুন বিল এনে আরও সত্তরটির বেশি পদ লাভজনক পদের আওতার বাইরে রাখার জন্য উদ্যোগী হতে হল। প্রধানমন্ত্রী দফতরের প্রতিমন্ত্রী পৃথ্বীরাজ চৌহানের বক্তব্য, "লাভজনক পদ সেই পদকেই বলা হবে, যেটি দুটি শর্ত পালন করবে। এক, এই পদ সরকার নিয়ন্ত্রিত হতে হবে। এবং দুই, এতে নিয়োগের অধিকার থাকতে হবে।" তাঁর বক্তব্য, এই শর্তের আওতায় আসে না বলেই শরদ পওয়ারের বিসিসিআই-এর প্রধানের পদ লাভজনক পদ নয়।

এই বিতর্ক নিয়ে এখন যখন গোটা দেশ উত্তাল তখন একটি পক্ষ মনে করে, লাভজনক পদ বলে কিছু থাকাই উচিত নয়। সংসদে, বিশেষ করে রাজ্যসভায় আজ বড় বড় শিল্পপতি সদস্যই যখন রয়েছেন। তখন শুধু সরকারি পদে থাকার জন্য সাংসদদের মাশুল কেন গুনতে হবে। তাই এই বিষয়টি বিলোপ হওয়া দরকার বলে অনেকে মনে করেন।

FRIDAY, MARCH 24, 2006 ✓

## Turning outrage into applause

**T**he extraordinary series of events that culminated in the resignation of Congress president Sonia Gandhi from both Lok Sabha membership and the chairpersonship of the National Advisory Council (NAC) marks the second time she has turned apprehension or outrage into widespread applause, the first being her declining the office of Prime Minister in May 2004. Whether it was a purely self-denying move or shrewdly calculated political strategy, it has served to remove the sting from the opposition charge that the United Progressive Alliance Government was going to extraordinary lengths to save her from disqualification on the ground that she was holding an office of profit as Chairperson of the NAC. Up to the point of her resignation, the Government's handling of the office of profit issue smacked of clumsiness, even impropriety. First, it got Parliament adjourned abruptly, obviously to clear the way for an ordinance. Secondly, while it did not bestir itself when the Samajwadi Party member, Jaya Bachchan, was disqualified on the ground that she was holding an office of profit as chairperson of the Uttar Pradesh State Film Development Council, it seemed to have panicked at the prospect of many other members cutting across parties holding similar offices meeting the same fate. The handling of the issue itself was marked not by open discussion but by secrecy that was strange in an administration that has held out the Right to Information Act as a demonstration of its commitment to transparency and good governance. Amidst the appearance of a great intrigue, the situation turned so murky that it was natural that charges flew around that the Government was desperate to bring in an ordinance to save Ms. Gandhi from imminent disqualification.

Now that the lightning rod issue of Ms. Gandhi's disqualification has been resolved by her own action, it is time for a serious and non-partisan look at the issue of disqualification itself. The Constitution in Article 102 disqualifies from membership of Parliament any person who holds an office of profit under the Central Government or any of the State governments, other than an office declared by Parliament through law not to disqualify its holder. The rationale behind such disqualification is that legislators cannot exercise their control over the political executive independently if they hold office under the executive and are beholden to it. Although the term 'office of profit' is not defined in the Constitution, the Supreme Court has laid down three broad principles. First, it should be an office under the Central or a State government performing duties for the government, with the government exercising control over the appointment, removal, and functioning — the overall test being whether it would create a conflict between the duty and interest of the legislator. Secondly, it must result in some profit over and above meeting the expenses involved in discharging the duties. Thirdly, Parliament has the power to exempt any specific office from the disqualification and this, the Supreme Court has held, can be done retrospectively as well. The Parliament (Prevention of Disqualification) Act, 1959 exempts many Central and State government offices from disqualification, but the list of exemptions has hardly kept pace with the creation of offices to which many members of Parliament have been appointed routinely without any thought of the consequences. If a substantial number of members across the political divide are in danger of being disqualified by a provision to which few paid serious attention earlier, Parliament can legitimately use its power under the Constitution to enlarge the exempted list and save the holders of other offices too from disqualification. The process of determination by the Election Commission on a case by case basis takes typically three to four months. This represents a window for discussion and debate in Parliament. Ordinances are extraordinary measures to be used to deal with matters of urgency when Parliament is not in session. To get Parliament adjourned to enable the promulgation of an ordinance would be a gross abuse of the constitutional provision. The proper course would be to re-convene Parliament to update the law and enlarge the list of offices exempt from disqualification — without at the same time making a mockery of the constitutional provision designed to ensure the independent control of the executive by the legislature.

24 MAR 2006

THE HINDU

# Resignation a desperate move: BJP

Sonia is running away from the charges levelled against her, says party president Rajnath Singh

Neena Vyas

**NEW DELHI:** The Bharatiya Janata Party on Thursday described the resignation of Sonia Gandhi from the Lok Sabha and chairpersonship of the National Advisory Council as "mere grandstanding that will not do."

Even as the BJP was planning to take forward the allegation of Ms. Gandhi holding an "office of profit," it was taken aback by her sudden decision to resign.

The central party office-bearers will meet here on Friday to draw up a plan to deal with the political situation in the aftermath of her resignation.

## Plea to President

Just hours before she announced her decision, four BJP leaders met President A.P.J. Abdul Kalam to ask that Ms. Gand-

hi be disqualified under Article 102 (1) of the Constitution.

A similar petition was filed by the Telugu Desam Party nine days ago, and has been forwarded by Mr. Kalam to the Election Commission for inquiry.

BJP president Rajnath Singh virtually charged Ms. Gandhi with "lack of courage" to "face Parliament and an inquiry by the Election Commission."

He criticised her resignation, and said she was "running away" from the charges levelled against her.

"We had not raised the issue of Ms. Gandhi losing the confidence of the people of Rae Bareilly. Why did she resign? She should have faced Parliament, and by resigning she is trying to divert the people's attention from the failures of the Government."

leaders to take their decisions.

Separately, some party leaders confirmed that there was no move by the party to ask its affected MPs and MLAs to resign. On the need to amend the law on office of profit, Mr. Jaitley said, "The BJP does not favour legislation with retrospective affect."

## JD(U) welcomes move

Some National Democratic Alliance parties did not see eye-to-eye with the BJP on the issue. Janata Dal (United) spokesperson Shambhu Srivastava "welcomed" Ms. Gandhi's decision to resign.

In fact, he added that Lok Sabha Speaker Somnath Chatterjee too should resign. This was also the view of the Trinamool Congress, which was the first to charge the Speaker with holding an office of profit.

• Party office-bearers to draw up a plan to deal with the aftermath

• People's attention being diverted from Government's failures

• Congress suffered a bout of "panic"

caught red-handed" but admitted that the "legal and constitutional" aspect whether the NAC was an office of profit was not very clear.

His view was that the Congress suffered a bout of "panic" when complaints were made about Ms. Gandhi.

On whether the party's deputy leader in the Lok Sabha, V.K. Malhotra, and other MPs and MLAs who might face similar charges would resign, Mr. Jaitley said it would be up to the

## Congress panicked: Jaitley

On the alleged Government plan to bring in an Ordinance with retrospective effect to exempt certain offices from being declared offices of profit, general secretary Arun Jaitley said the BJP objected to the "subverting of the Constitution and Parliament" to "save" one person from disqualification. By resigning, Ms. Gandhi had tried to "save her face."

He compared her to a "culprit



# 'Anguished' Sonia springs a surprise

Quits as MP and as National Advisory Council chairperson, will contest again from Rae Bareli



**SPELLS OUT STAND:** Congress president Sonia Gandhi addresses a press conference in New Delhi on Thursday. PHOTO: REUTERS

## I've pledged to serve the country: Sonia

Special Correspondent

**NEW DELHI:** The translation of the text read out by Sonia Gandhi in Hindi:

"For two days some people are creating an atmosphere in the

country as if the Government and Parliament was being used only for my benefit.

This has caused extreme anguish to me.

"I have said it before that I have not stepped into political

and public life for personal gain. I have taken a pledge to serve the country, Indian society and protect secular values.

"Keeping in view my values of public life, ideals of politics and my beliefs, I have tendered my

resignation from the Lok Sabha as also from the National Advisory Council.

"I have total faith that my Rae Bareli constituents and the entire country would understand my sentiments."

Special Correspondent

**NEW DELHI:** Congress president Sonia Gandhi on Thursday resigned from the 14th Lok Sabha and as chairperson of the National Advisory Council. She made the announcement in the afternoon.

On Wednesday the Opposition criticised the United Progressive Alliance Government for abruptly adjourning the budget session of Parliament, saying that the move was to protect Ms. Gandhi from the "office of profit" controversy.

The Government's move on Wednesday to truncate the budget session turned controversial after the Opposition and the supporting Samajwadi Party said it was aimed at allowing the Government to promulgate an ordinance to amend the Parliament (Prevention of Disqualification) Act, 1959, and save Ms. Gandhi from losing her Lok Sab-

ha seat on the grounds that as chairperson of the NAC she was holding an "office of profit".

Several political parties had complained to the President that Ms. Gandhi and several other members of Parliament held offices of profit, which cost Samajwadi Party's Jaya Bachchan her Rajya Sabha membership this month.

After holding talks with senior leaders, Ms. Gandhi stepped out of her study in 10 Janpath and announced that she was anguished over an attempt made by some to create an atmosphere that the Government and Parliament were being used for her benefit.

**BJP's claim**

The development turned the course of political discourse, with the Congress asserting that Ms. Gandhi had proved she was above considerations of office and the Bharatiya Janata Party

describing it as a step taken under intense pressure mounted by it.

Ms. Gandhi said she did not step into political and public life for personal gains. It was only to serve the country, Indian society and protect secular values. Keeping in view her values of public life, ideals of politics and beliefs, she had tendered her resignation, she said.

She, however, expressed the confidence that people of her Rae Bareli constituency and the country would understand her sentiments.

To a question, Ms. Gandhi said she decided to resign, as it was "the right thing to do".

Asked if she planned to contest again, Ms. Gandhi declared emphatically that she would do so from Rae Bareli.

Prior to her announcement, Ms. Gandhi informed Prime Minister Manmohan Singh.

He arrived at her residence and left before she made the announcement. Senior party leaders, including Defence Minister Pranab Mukherjee, Home Minister Shivraj Patil, AICC general secretary Janardhan Dwivedi and her political secretary Ahmed Patel were also present. Her son and Amethi MP, Rahul Gandhi, was around when Ms. Gandhi made announced her decision.

Later, Ms. Gandhi called on Lok Sabha Speaker Somnath Chatterjee and handed over her letter of resignation. It was accepted with immediate effect, the Speaker's office said.

As regards the controversy over the complaint against Mr. Chatterjee holding an office of profit, his office said it was the considered opinion of the Speaker that he was not holding any office of profit.

## Options open: Manmohan

Special Correspondent

**NEW DELHI:** Prime Minister Manmohan Singh on Thursday said "all options" were open on promulgating an ordinance on redefining the term "office of profit."

Speaking to correspondents at Rashtrapati Bhavan on the sidelines of a function, he said: "There is no explicit decision as of now [on bringing an ordinance]. We have not considered the ordinance. All options are open. We will discuss it with other political parties."

The Government would strive to have the "widest-possible consensus" among parties on the issue. Asked whether others charged with holding offices of profit should take a hint from Congress

president Sonia Gandhi's resignation from the Lok Sabha, he said: "I do not know." He gave a similar reply when asked about Lok Sabha Speaker Somnath Chatterjee.

Asked why Parliament was adjourned abruptly, he said all parties wanted to campaign for the coming Assembly elections.

Dr. Singh said Ms. Gandhi's resignation proved that she was the tallest leader in the country.

She had shown "a rare commitment" to moral values, which "you do not find in plenty in our country."

The Prime Minister met President A.P.J. Abdul Kalam and apprised him of the current developments, says a Rashtrapati Bhavan press release.

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# Adjournment aimed at 'saving' Sonia

Bid to introduce ordinance alleged

of parliament

Neena Vyas

**NEW DELHI:** The political row on the issue of "office of profit" boiled over on Wednesday when it became known that the two Houses of Parliament were to be adjourned *sine die* at the end of the day's sitting.

The issue has been simmering since Samajwadi Party member Jaya Bachchan was disqualified and lost her seat in the Rajya Sabha for holding the position of chairperson of the Uttar Pradesh Film Development Council, which the Election Commission deemed to be an "office of profit".

The Opposition said the move to adjourn the Houses *sine die* was to enable the Government to bring in an ordinance designed to "save" Congress president Sonia Gandhi from attracting disqualification for holding the office of chairperson of the National Advisory Council. But Parliamentary Affairs Minister Priyaranjan Dasmunsi and the Congress asserted that this was a canard spread by the Opposition and that the NAC was "not an office of profit".

## Dasmunsi's defence

"Let me make it absolutely clear that Sonia Gandhi is not holding any office of profit," Mr. Dasmunsi said while defending the "prerogative" of the Govern-

• **Dasmunsi defends "prerogative" of Government to declare budget session over**

• **Sonia not holding an office of profit, says Centre**

• **Vajpayee, Fernandes meet Kalam with memorandum**

ment to declare the budget session over since the complete financial business related to budget passing and adoption of the Finance Bill had been completed.

Taking head-on the Opposition criticism that the *sine die* adjournment was "extraordinary and unprecedented," Mr. Dasmunsi said the National Democratic Alliance Government had adjourned Parliament *sine die* on December 21, 2003 but had not prorogued it to get over the parliamentary norm of the President addressing a joint session of Parliament in the new year. In 1994 the P.V. Narasimha Rao Government prorogued the House on May 13, 1994, issued ordinances and then reconvened the House on June 19, 1994.

Mr. Dasmunsi said leaders from several parties had approached him and others in the

Government to suggest that there should be legislation to amend the law related to office of profit. "Arun Jaitley and Prakash Javadekar [both BJP] have said publicly that the law on office of profit should be changed," Mr. Dasmunsi said.

## Memorandum presented

Soon after Parliament was adjourned *sine die*, NDA leaders led by the former Prime Minister, Atal Bihari Vajpayee, and Janata Dal (United) leader George Fernandes met President Abdul Kalam with a memorandum suggesting that if the Government were to issue an ordinance on the subject of office of profit he should refuse to sign it. What is law for Ms. Bachchan should also be the law for Ms. Gandhi, they said.

The memorandum also pointed out that recently the Governor of Uttar Pradesh had refused assent to a Bill exempting certain positions from the purview of offices of profit legislation with retrospective effect. What cannot be done in Uttar Pradesh should not be allowed at the Centre, the NDA said.

With the Trinamool Congress complaining that Speaker Somnath Chatterjee was holding a position on the Shantiniketan Development Council, Mr. Chatterjee kept away from the House on grounds of "propriety".

# Abrupt end to budget session

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HO-1  
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Parliament

## Presiding officers adjourn Houses *sine die*

Special Correspondent

**NEW DELHI:** The budget session of Parliament ended abruptly on Wednesday with the Government suddenly deciding to adjourn both Houses *sine die*.

Opposition members alleged that it was meant to bring in an ordinance to amend the Parliament (Prevention of Disqualification) Act, 1959, to exclude offices held by top politicians from the purview of "office of profit."

### Unfortunate, says Advani

In the Lok Sabha, Leader of the Opposition L.K. Advani said the abrupt ending was a "singular unfortunate event in the history of Parliament."

In the Rajya Sabha, Opposition leader Jaswant Singh walked out after he was prevented from speaking by the Treasury benches.

The presiding officers of both Houses said the Government advised them to adjourn *sine die* as the financial business — the Finance Bill was passed on Tuesday — was over, and there was no business for the post-recess session. Parliament was earlier slated to meet for the second part of the budget session from May 10 to 23 after going into recess on Thursday.

### Adjournments

Both Houses saw adjournments, with the BJP-led Opposition raising the issue and the Samajwadi Party members trooping into the well of the Houses. They waved copies of a newspaper, which reported that the Government planned to bring in an ordinance to amend the Parliament (Prevention of Disqualification) Act, 1959. They also demanded removal of Elec-

tion Commissioner Navin Chawla. After two adjournments before noon, Mr. Advani cautioned the Government not to curtail the session without holding consultations.

Ram Gopal Yadav (SP) quoted the remarks of the Shah Commission against Mr. Chawla. It probed the excesses during the Emergency in 1975. Deputy Speaker Charanjit Singh Atwal said a notice was required to dis-

cuss the functioning of a Constitutional authority. Later, Samajwadi Party members waved notes and raised slogans against Mr. Chawla.

Speaker Somnath Chatterjee chaired the proceedings only till the first adjournment.

Adjournment aimed at saving  
Sonia: Page 12

## Somnath stays away from proceedings



Lok Sabha Speaker Somnath Chatterjee talking to media outside the Parliament House on Wednesday. — PHOTO: PTI

**NEW DELHI:** As Parliament was rocked on Wednesday by the controversy over members holding offices of profit, Lok Sabha Speaker Somnath Chatterjee left the House after the first adjournment. He kept away, saying he did it as a matter of propriety after an issue had been raised over his being chairman of a body in Shantiniketan.

"Since my name has appeared in a newspaper with regard to which some honourable members have been agitating, I said in my Constitutional duty ... [am] not sitting in the Chair by way of propriety," he told reporters.

Trinamool Congress chief Mamata Banerjee had raked up the issue of Mr. Chatterjee being Chairman of the Sriniketan-Shantiniketan Development Corporation. She said he was holding an office of profit, a ground on which he could be disqualified. — PTI

# Fiat on office of profit rocks Houses

## Both RS And LS Abruptly Adjourned Sine Die

**New Delhi:** In an unprecedented development, parliament was abruptly adjourned sine die, after perhaps the shortest budget session, over the government's reported move to bring an ordinance on the office of profit issue.

The Lok Sabha and the Rajya Sabha, which were rocked by the issue, saw repeated adjournments as the BJP and the Samajwadi Party, an outside supporter of the Congress-led coalition, targeted Congress president Sonia Gandhi, alleging that the ordinance move was aimed at "saving" her membership.

Speaker Somnath Chatterjee chose to stay away from the proceedings in view of complaints that he was among those holding an office of profit, which cost SP MP Jaya Bachchan her Rajya Sabha membership.

The sine die adjournment brought immediate resentment in the opposition camp with leader of the opposition L K Advani describing the development as "singularly unfortunate event in the history of the Indian

parliament". The agitated opposition members also demanded the removal of election commissioner Navin Chawla, citing the Shah commission's findings and alleging that he was "unfit"

to hold any public office on account of "misuse of power" during emergency.

"The Congress was gloating over the action taken against a Rajya Sabha member (Jaya Bachchan) for being a holder of an office of profit,

but now a proposal is on for an ordinance to save all similar cases of MPs holding offices of profit. Why this sudden brainwave?" Advani said.

Leader of opposition in the Rajya Sabha Jaswant Singh said the BJP was "not agreeable" to any proposal to adjourn sine die both Houses of parliament and prorogue it to bring an ordinance to amend the law relating to the office of profit. "We don't see any urgency to warrant such a move. If somebody is likely to get caught in fire, why is parliament being made a victim," he asked. Agencies



IN THE EYE OF THE STORM:  
Sonia Gandhi

# জয়াকে সংসদ থেকে সরানোর সাফল্য ব্যুৎসেরাং হযে ফিরছে সনিয়ার দিকে

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২২ মার্চ: রাজসভা থেকে জয়া বচনের সদস্য পদ খারিজ করানোর রাজনৈতিক সাফল্য ব্যুৎসেরাং হযে ফিরে এল কংগ্রেসের দিকেই।

লাভজনক পদ (অফিস অফ প্রফিট) সংক্রান্ত আইন সুনির্দিষ্ট করতে গিয়ে ঘোর অস্বস্তিতে পড়ে গেল মনমোহন সরকার। সংশ্লিষ্ট আইনকে 'সামগ্রিক রূপ' দিতে তড়িঘড়ি অর্ডিন্যান্স আনতে গিয়ে আক্রমণের মুখে পড়লেন কংগ্রেস সভানেত্রী সনিয়া গাঁধী। সংসদের বাইরে এবং ভিতরে দিনভর চলল চাপান উতোর। আর পাঁচ রাজ্যে ভোটের আগে মোক্ষম অস্ত্র পেয়ে গেল বিজেপি-সহ বিরোধীরা। যদিও তাতে না দমে রাতেই প্রধানমন্ত্রীর বাড়িতে ডাকা বৈঠকে সরকার ঠিক করেছে, শুক্রবারেই অর্ডিন্যান্স জারি করা হবে। মাঝরাতের এই বৈঠকে হাজির ছিলেন প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায়, আইনমন্ত্রী হংসরাজ ভরদ্বাজ, সংসদীয়মন্ত্রী প্রিয়রঞ্জন দাশমুন্সি,

স্বরাষ্ট্রমন্ত্রী শিবরাজ পাটিল প্রমুখ। রাজসভায় সদস্য হযেও উত্তরপ্রদেশ চলচ্চিত্র উন্নয়ন পর্ষদের সভাপতির পদে থাকায় ক'দিন আগে সংসদ পদ খোয়াতে হযেছে জয়াকে। মূল্যায়ম সিংহের দলের এই সেলিব্রিটি সংসদের বহিষ্কারে উল্লসিত হযে পড়েন কংগ্রেস নেতৃত্ব। কিন্তু কেঁচো খুঁড়ে গিয়ে যে অন্য কিছু বেরিয়ে পড়বে, তা হিসাবের মধ্যে ছিল না। জয়ার সদস্য পদ যেতেই সমাজবাদী পার্টি নেতা অমর সিংহ থেকে তৃণমূলনেত্রী মমতা বন্দোপাধ্যায় পর্যন্ত একে একে নেতা-নেত্রীরা রাষ্ট্রপতির কাছে দরবার করতে শুরু করেন। তাঁদের অভিযোগ, সনিয়া গাঁধী, কর্ণ সিংহ, সোমনাথ চট্টোপাধ্যায়ের মতো নেতারাও সংসদ হওয়ার পাশাপাশি লাভের পদে রয়েছেন। তাই তাঁদেরও জয়ার মতো পরিণতি হওয়া উচিত।



এ দিন রাতে রাষ্ট্রপতি ভবনের এক মুখপাত্র জানান, তাঁদের কাছে লাভের পদে থাকা সংক্রান্ত একাধিক অভিযোগ এসেছে। প্রায় ৪৫-৪৬টি নামের তালিকায় কার কার নাম রয়েছে তা অবশ্য তিনি জানাননি। এবং আলাদা করে সনিয়ার নাম না বললেও ওই তালিকায় যে তাঁর নামও রয়েছে, এটাই প্রত্যাশিত। এ দিনই রাষ্ট্রপতির সঙ্গে দেখা করে এসে অমর সিংহ জানান, সমস্ত অভিযোগই কালাম নির্বাচন কমিশনের কাছে পাঠিয়ে দিয়েছেন। সেটাই যে দস্তুর, তা আগেই জানিয়েছিলেন রাষ্ট্রপতি ভবনের মুখপাত্র। তিনি বলেন, "কমিশনের মতামত জেনে তবে তা নিয়ে রাষ্ট্রপতি প্রতিক্রিয়া জানান।" সনিয়ার জাতীয় উপদেষ্টা পরিষদ ও রাজীব গাঁধী ফাউন্ডেশনের চেয়ারপার্সনের পদ যে লাভের পদ নয় তা সরকার বারবারই বলেছে। কিন্তু

ইউপিএ নেতৃত্বও এ-ও বুঝতে পারেন লাভের পদের সংজ্ঞা নিয়ে বিস্তর ধোঁয়াশা রয়েছে। এই শ্রেণিতেই পার্লামেন্ট (প্রিভেনশন অব ডিসকোয়ালিফিকেশন) আইন ১৯৫৯-এর তিন নম্বর ধারায় সংশোধন এনে বিষয়টি স্পষ্ট করার জন্য তড়িঘড়ি অর্ডিন্যান্স আনার ব্যাপারে সিদ্ধান্ত নিয়ে ফেলে কেন্দ্র। কিন্তু তা জানাজানি হতেই অস্বস্তিতে পড়ে গেল সরকার। কিন্তু কেন্দ্র অর্ডিন্যান্স আনতে এতটাই দৃঢ়সংকল্প যে বিরোধিতা সত্ত্বেও আজ সংসদ অনির্দিষ্ট কালের জন্য মূলতবি করে দেওয়া হল। কারণ অর্ডিন্যান্স আনার জন্য সেটা জরুরি।

অর্ডিন্যান্সের বিষয় জানতে পেরেই সমাজবাদী পার্টি ও বিজেপি সাংসদরা আজ সকাল থেকে সংসদের উভয় পক্ষে সরকার পক্ষকে চেপে ধরেন। পরে লোকসভার বিরোধী দলনেতা লালকৃষ্ণ আডবাণী বলেন, সরকার কেন অর্ডিন্যান্স আনতে চাইছে তা আজ এর পর ছয়ের পাতায়

## ব্যুৎসেরাং হযে ফিরছে

প্রথম পাতার পর

সংসদে বিরোধীদের তোলা দু'লাইনের স্লোগানেই স্পষ্ট — "ইয়ে তো এক বাহানা হ্যায়/সনিয়াকো বাঁচানা হ্যায়"।

অর্ডিন্যান্সের প্রস্তাব নিয়ে সংসদে সরকারের তীব্র সমালোচনা করার পরেই আডবাণী এনডিএ জোটের ৬১ জন সাংসদকে নিয়ে রাষ্ট্রপতি ভবনে যান। সরকার অর্ডিন্যান্স আনলে রাষ্ট্রপতি যাতে তাতে সই না করেন সে জন্য আর্জি জানানো হয কালামের কাছে। রাষ্ট্রপতির কাছে বিরোধী নেতৃত্বের আরও অভিযোগ, ইউপিএ সরকার আজ যা করেছে সংসদীয় ইতিহাসে তার কোনও নজির নেই। সাধারণত, বাজেট অধিবেশনের দুই পর্যায়ের মধ্যে সংসদ মূলতবি রাখা হয়। কিন্তু আজ অনির্দিষ্টকালের জন্য সংসদ মূলতবি করে দেওয়া হল।

প্রশ্ন উঠছে জাতীয় উপদেষ্টা পরিষদের চেয়ারপার্সনের পদটি যদি লাভজনক পদ না হয় তাহলে সরকার এত তড়িঘড়ি করেছে কেন? এই নিয়ে সরকার এবং কংগ্রেস দলের মধ্যেও মতবিরোধ রয়েছে। মনে করা হচ্ছে বিষয়টি নিয়ে যে ভাবে এগোনো হযেছে তা সম্পূর্ণ ভ্রান্ত ম্যানেজমেন্ট।

সরকারেরই এক উচ্চপদস্থ কর্তার মতে, পদটি লাভের কি না তা নির্ণয় করার একটা মাপকাঠি হচ্ছে সেই পদে সরকারের নিয়ন্ত্রণ রয়েছে কি না। বা তার নিয়ন্ত্রণের ক্ষমতা রয়েছে কি না। সে দিক থেকে জাতীয় উপদেষ্টা পর্ষদের পদটি অবশ্যই লাভের পদ। আজ সাংবাদিক সম্মেলন করে অবশ্য সংসদ বিষয়কমন্ত্রী প্রিয়রঞ্জন দাশমুন্সি জানিয়েছেন ওই পদ লাভের পদ নয়। তিনি বলেছেন, বিরোধী দল-সহ বহুদলের সাংসদরাই বিভিন্ন সময়ে তাঁর সঙ্গে দেখা করে বলেছেন লাভের পদ সংক্রান্ত আইনের মধ্যে কিছু ধোঁয়াশা রয়ে গিয়েছে। এই ব্যাপারে একটি সামগ্রিক আইন আনা প্রয়োজন।

বিরোধীদের পাল্টা বক্তব্য, বিষয়টি নিয়ে যখন সমস্ত দলেরই উদ্বেগ রয়েছে তখন সরকার সবার সঙ্গে আলোচনা না করেই কেন এই 'হঠকারী' সিদ্ধান্ত নিল। উদ্দেশ্যে যাই হোক, সরকারের এই পদক্ষেপের একটি রাজনৈতিক সঙ্কেত স্পষ্ট, মনমোহন সরকার সনিয়াকে বাঁচাতে মরিয়া। প্রিয় জানিয়েছেন, আগামিকাল মন্ত্রিসভার বৈঠকে অর্ডিন্যান্স আনার ব্যাপারে আলোচনা হতে পারে।

23 MAR 2006

ANADILAZAR PATRKA

# LS passes Finance Bill

NEW DELHI, March 20.

The Lok Sabha today passed the Finance Bill 2006-07 by voice vote at the end of a two-day long debate. The finance minister, Mr P Chidambaram, wound up the debate by announcing the government's intention to remove tax exemption over a period of time to make up cross-budgetary support of Rs 1,72,728 crore, which was nearly to equal to the Plan allocation.

The Parliament also passed the Appropriations Bill, authorising payments from the Consolidated Fund for 2006-07, with the Rajya Sabha returning the

legislation after passing it by voice vote. Winding up the discussion, Mr Chidambaram ruled out any cut in food and fertilizer subsidies. "Let not anyone worry that subsidies will be curtailed. There is no attempt to curtail food and fertilizer subsidies, which are merit subsidies. Focus will be on non-merit subsidies," he said. The government proposed that the fertiliser subsidy should reach farmers directly and also ensure that the cost of delivery of food subsidy was not more than the subsidy itself.

Announcing some exemptions to the change in tax laws, he said withdrawal of excise duty from goods manufactured with-



Mr P Chidambaram out power. Stating that there were "thousands of litigation" clogging the dispute settlement courts on this aspect, Mr Chidambaram agreed that a blanket removal of exemption could affect a few items.

Among these were man-

ufacture of candles and bricks, which are now exempt from excise duty, as well as exemption of imported coronary stents and stent systems from customs duty. Mr Chidambaram also announced that the import duty on poly chips and carbon black would be reduced to 10 per cent from 12.5 per cent.

He, however, defended his move to levy tax on marble, saying "it is not a poor man's item". The tax, he said was only on cutting and polishing as that amounted to manufacturing.

He also announced exemption from excise duty for manually operated rubber roller machines

and copra dryer. Food supplements, supplied free of cost to weaker sections, would continue to be exempted from tax.

Mr Chidambaram clarified that exemptions would continue to be available for soaps manufactured by small and tiny units. Scented "supari" with an MRP tag of up to 50 paise had been exempted from excise duty.

The minister clarified that the eight per cent duty was proposed in the Budget only for packaged software and it would not be applicable to customised software. "The duty is applicable only to the software sold off the shelf in the market," he insisted.

TUESDAY, MARCH 21, 2006

## Decline of the upper house

**T**he announcement of candidates for the upcoming biennial election to 58 seats in the Rajya Sabha has thrown up no big surprise, with realpolitik considerations rather than eligibility weighing with parties across the board. Predominant in the Congress list are "outsiders" — a euphemism for influence peddlers seen to have ingratiated themselves with the headquarters. By comparison, local units emerge better off in the Bharatiya Janata Party, though Sushma Swaraj and Arun Jaitley, who have secured nominations from Madhya Pradesh and Gujarat respectively, are not domiciled in these States. Whether in the Congress, in the BJP, or in the Samajwadi Party, the choice of candidates reflects the crisis within. The inclusion of lobbyists and interest groups in the Congress squad is seen by party cadre as a disturbing trend continuing from the last round of expansion of the Council of Ministers. This time Congress disaffection centres on the accommodation in particular of Raashid Alvi and Rajiv Shukla, both thought to have made the grade primarily because of their proximity to the 'high command'. That the Congress leadership took the trouble of fielding Mr. Alvi from Andhra Pradesh and Mr. Shukla from Maharashtra — both belong to Uttar Pradesh and defected to the party — is considered an eloquent enough comment.

For the BJP, the election comes at a time of deep internal turmoil. Ms. Swaraj's candidature from Madhya Pradesh appears to have been necessitated by the tumultuous exit of Uma Bharti. It is a job cut out for Ms. Swaraj considering the charismatic Ms. Bharti has announced a new party that is proving to be a draw for dissident elements in the BJP — a case in point being Man Lal Khurana, who was denied a Rajya Sabha ticket and has since been suspended from the party. The inclusion of party veteran Janeswar Misra in the Samajwadi Party's list for the upper house is a desperate damage control measure, an implicit admission that the party's image has been dented badly by recent events. It is a sign of the times that the Rajya Sabha, which was conceived as a debating house and an intellectual counterpoint to the more populist Lok Sabha, has become a refuge of pretenders and turncoats. The transformation is illustrated by the unprecedented support extended in U.P. to Sudanshu Mittal, a Delhi trader backed by Ministers from the Mulayam Singh Government, sections of the BJP, and independent legislators. The house of elders has also become the means to facilitate the back door entry into Parliament of those rejected by voters. Though they lost the May 2004 Lok Sabha elections, Congress leaders Shivraj Patil and Sushil Kumar Shinde bagged prized ministerial portfolios, reaching the Rajya Sabha thereafter. The unseemly haste belied a public pledge by Rajiv Gandhi not to reward losers. The party has since travelled far on this route. On the whole, the Rajya Sabha is represented heavily in the Council of Ministers, and of the 22 members from the house, as many as 19, including the Prime Minister, belong to the Congress.

# Jaya Bachchan and the office of profit

Allow me first to declare my interest in the matter. A Jaya Bachchan is my friend. I must confess though, in all honesty, I am not a great admirer of the Samajwadi Party though I believe Mulayam Singh plays a critical role in Indian politics. His ideology, friends and associates have changed over the years and the change has not exactly added to his charisma nor his credibility.

But this is not about the Samajwadi Party. It is about Jaya Bachchan and the office of profit. On the Election Commission's recommendation, the President of India on Friday disqualified Jaya as a MP because she holds an office of profit as chairman of the UP Film Development Corporation. The SP tried its best to save her seat by passing a bill in the UP assembly that the chairman of the UP Film Development Corporation and the heads of 79 other state corporations are not offices of profit. That, too, with retrospective effect. But it was too late. Now they have to renominate her back in the Rajya Sabha, which is not exactly a difficult task given their numbers in UP.

But that is not the issue again. The issue is: Has Jaya done something that hundreds of MPs have not done before or are not doing now? This begets the question: Has she done something wrong at all? Let's look at both.

The definition of office of profit, as it currently exists, is clearly flawed. If the purpose of this law is to discourage MPs from enjoying income from sources other than their par-



'MPs can earn huge incomes as businessmen, professionals or even from criminal activity and get away with it. But they can't hold the office of chief of a state film corporation which pays virtually nothing'

liamentary salary and perquisites then more than half of parliament would have to be disqualified. We have flashy industrialists there, many of them having had skirmishes with the law earlier, earning income comes many, many more times than their salaries from par-

## PRITISH NANDY



in far more questionable ways from asking questions in parliament for a fee to getting jobs done out of turn for business houses and doing a number of things that cannot be strictly defined as legal. Not, for that matter, politically correct. (Since issues of morality, in any case, are not relevant in today's politics, I am not even raising that.) But apart from a few intrepid journalists no one has ever questioned them or even suggested they be forced to resign as MPs. Shibu Soren's was a classic case where his taking a bribe to vote for a government on the verge of collapsing was not considered good enough reason to sack him as an MP. Why? It was held that an MP is not governed by the same laws of corruption as, say, a public servant.

Now, if that isn't funny, I don't know what is. In other words, MPs can earn huge incomes as businessmen. They can earn huge fees as professionals. They can even earn money from criminal activity. They can take bribes and get away with it. But they cannot hold an office of profit as the chairman of a state film corporation which, as we all know, pays virtually nothing to the person holding the position—barring maybe a few minor perquisites that are neither here nor there.

People accept such positions not to make money but to try and make a difference in public life. Sometimes they succeed. Usually they fail. Good intentions are not always easy to live up to.

The very idea of office of profit is thus antiquated.

The salaries of MPs are not exactly commensurate with the power they enjoy, which is a clear incentive to be corrupt. The purpose of any law governing their income should be to prevent that

corruption. It should be to prevent MPs from asking questions for money. To prevent MPs from brokering deals, taking bribes, fixing powerful public sector jobs. That should be the objective. Not to stop MPs from pursuing their professional goals and careers. Nor to stop them from taking on assignments where they can contribute to the success of a region or a state, as Jaya was obviously attempting to do as chairman of the UP Film Development Corporation.

In fact, professionals going to parliament should be actually encouraged. For they come with a career of their own, with resources of their own. They don't need to beg, borrow and steal to make good in politics. If they fail to win an election, they can always go back to their careers and take another shot at it the next time—instead of hanging around Delhi and Central Hall, trying to make a quick buck here and a sly deal there. The purpose of the law should not be to discourage people from holding an office of profit while in parliament but to stop them from making the wrong kind of money under the wrong kind of circumstances.

By punishing Jaya Bachchan, we have mocked the intent behind that law. Her party made it worse by passing a silly bill. The truth is: Jaya was not making money on the sly by holding this office. She was not misusing her position as an MP. All she was trying to do, not very successfully perhaps, was encourage more film makers to shoot their films in UP. To punish her for this and disqualify her as an MP sounds very stupid to me at least.

Are we losing sight of common sense in our search for political vendetta?

# Jaya Bachchan disqualified as Rajya Sabha MP

Special Correspondent *K.S. Kalam*

**NEW DELHI:** President A.P.J. Abdul Kalam has disqualified Jaya Bachchan of the Samajwadi Party from the membership of the Rajya Sabha with retrospective effect from July 14, 2004 for holding an "office of profit" as Chairperson of the Uttar Pradesh Film Development Council.

The Law Ministry notification, enclosing the President's order, was received by the Rajya Sabha secretariat on Friday forenoon, putting into "immediate effect" her disqualification. However, it may be a few days before the disqualification is printed in the Rajya Sabha bulletin.

What makes the issue a political hot potato is that the Presi-

dent has also received and forwarded to the Election Commission a complaint seeking the disqualification of Samajwadi Party general secretary Amar Singh on the ground that he was holding an "office of profit" while being a Member of Parliament. The Commission has already sent notice to Mr. Singh.

The President signed the notification on the Bachchan disqualification on Thursday on the advice of the Election Commission, which sent its opinion to the President on March 3 recommending that she be disqualified under sub-clause (a) of Clause 1 of Article 102 of the Constitution from July 14, 2004 following her appointment by the Uttar Pradesh Government as the Chairperson of the UPFDC. She was elected to the



Jaya Bachchan at Parliament House in happier times. PHOTO: V. SUDERSHAN.

Upper House on July 4, 2004.

Rajya Sabha Secretary-General Yogendra Narain said this was the second case of a disqualification, the first being that of R.

Mohananagan, an ADMK MP, who was disqualified in 1982 for holding the position of Special Representative of the Tamil Nadu Government when M.G. Ramachandran was the Chief Minister. At that time, Zail Singh was the President and the disqualification was not with retrospective effect.

In response to a question relating to perquisites, allowances and salary drawn by Ms. Bachchan as an MP since July 14, 2004, Mr. Narain said: "We will be studying the issue." There was no precedent as this was the first disqualification with retrospective effect. He was aware that the matter of salary and perquisites was an issue that had to be decided. Besides their salaries, MPs are entitled to government accommodation and 1.5

lakh phone calls, 50,000 units of electricity at their official residence here, 32 air journeys and unlimited rail travel.

The notification said that having carefully considered the facts on record as contained in the opinion of the Election Commission and being fully satisfied therewith the President disqualified Ms. Bachchan from her Rajya Sabha membership.

Madan Mohan, a Congressman from Kanpur, complained that Ms. Bachchan was holding an office of profit and that she should be disqualified. The President referred this to the Commission for verification. Ms. Bachchan, who has moved the Supreme Court seeking a clarification on the term "office of profit," is likely to challenge her disqualification also.

*Parliament*

18 MAR 2006



# Setback for Mulayam as Governor says no to Bill

## Jaya Bachchan issue hangs fire; Rajeswar consulting legal experts

**LUCKNOW:** The Mulayam Singh Yadav Government in Uttar Pradesh received a setback when the State Governor refused to give his immediate approval to a Bill which would have saved cinema stars Jaya Bachchan and Amar Singh from attracting disqualification as Rajya Sabha members.

State Governor T. V. Rajeswar has refused to give his immediate approval to the U.P. State Legislature (Prevention of Disqualification) Act, 1971, Amendment Bill, which would put some departments outside the purview of offices of profit, and has asked for clarifications.

The Election Commission had recommended the disqualification of Samajwadi Party leader and chairperson of UP Film Development Council Jaya Bach-

chan, which is pending before the President, while on the other hand, EC is considering disqualification of Mr Amar Singh, who heads the State Development Council, for holding offices of profit. The Bill, introduced with retrospective effect from January 1, 2003, which the Assembly passed on March 9 to exempt heads of 79 corporations, boards and councils from posts of profit, was sent to Raj Bhavan the next day along with four others bills for approval. While the Govern-

nor cleared the four Bills without batting an eyelid, he decided to seek the opinion of legal experts after receiving the amendment Bill.

Sources said the Governor was in no hurry to take a decision as the issue of Jaya Bachchan and Amar Singh's disqualification was pending with the President.

Other MPs and MLAs holding offices of profit include Shivpal Singh Yadav (chairperson of Mandi Parishad), Anuradha



• Governor clears four bills

• 'Daily allowances' changed to 'honorarium'

Choudhury (chairperson of Uttar Pradesh Irrigation and Flood Control Commission) and Mohammad Azam Khan (chairperson of Uttar Pradesh Jal Nigam).

The Opposition parties in the Assembly had protested against the Bill and they branded it "unconstitutional and undemocratic".

The Chief Minister, however, said: "I have always been against any draconian law in the country and had even campaigned for open ballot in the Rajya Sabha polls. I am moving this amendment to give more freedom to the legislators and members of Parliament." The Bill was moved just days after the Election Commission turned the heat on Jaya Bachchan and Amar Singh. UNI

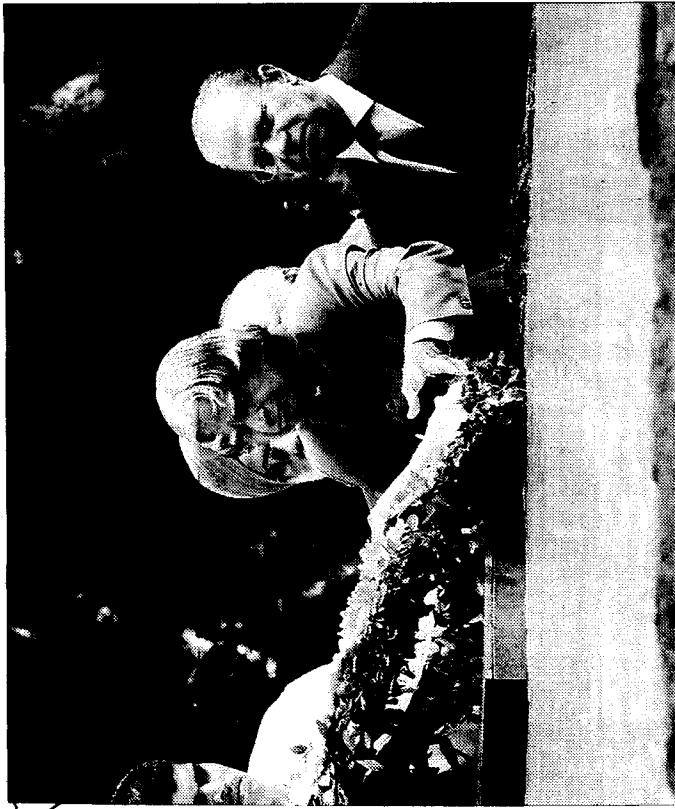
# Kalam promises all help to Mauritius

MANRAJ GREWAL  
PORT LOUIS, MARCH 12

SOME debts can never be repaid. More than 60 years ago, Sir S Ramgoolam, the Father of Mauritius, had helped Indian National Army chief Subhas Chandra Bose by proof-reading his book *India's Struggle For Freedom*. A grateful Bose had sent him a note thanking him for all his help and concern for India's fight against the British. Today, President A P J Abdul Kalam promised to help Mauritius in tackling the current crisis in its economy with a series of concrete measures.

The President, who met a wide gamut of leaders, including PM Dr Navinchandra Ramgoolam and Opposition leader Richard Brenger, said India was keen to assist Mauritius in transforming itself into a global education, health and IT centre besides becoming a vital link to Africa. Briefing mediapersons here today, Foreign Secretary Shyam Saran said, "Its bilingual status as well as proximity to Africa make it an ideal Information and Communications hub for the region."

Incidentally, the Telecommunication India Limited (TCIL) project to connect Mauritius and the rest of the African countries by optic fibre and



President Kalam lays a wreath on samadhi of Sir Seewoosagor Ramgoolam as Mauritius PM Navinchandra Ramgoolam looks on at Port Louis on Sunday. PTI

satellite is President Kalam's brainchild. Now all these nations will be connected to India as well.

Kalam also mapped out ways in which India could infuse new life into the flagging sectors of sugarcane, tex-

## MAURITIUS DIARY

► **SHORT, sweet and colourful.** The National Day parade by Mauritius at its waterfront was quite like the little country itself. Known as a happy cultural melting pot, the parade resonated with a spirited song and dance performance by its heterogeneous bunch of people. From the traditional dance by the Marathis and Bhojpuris to the Sega dance by its African inhabitants and a rousing ballet by the Europeans, the parade had it all. Informal in its tenor, the festivities had no room for speechifying. Even President Kalam, who was the chief guest, just took the salute and enjoyed the proceedings.

► **Paradise garden** President Kalam began

textile sector too could start an upswing by taking advantage of India's expertise in design. "We have already ordered 1 million garments from Mauritius and plan to double this quota," said Saran. India will also help Mauritius diversify in the field of tourism by introducing a medical angle to it. Saran said the Apollo group has already decided to set up a center here and others biggies will follow to make Mauritius a destination for medical tourists as well.

Besides this, the two countries will cooperate in the field of hydrocarbon ex-

his Day 2 at Port Louis by planting a sapling at the lush green Sir Seewoosagur Ramgoolam Botani Gardens, which contains the largest treasure trove of plants in the Afro-Asian region. Mauritius' close links with India are evident from the proximity of the trees planted by Indian heads of the state, past and present, to the samadhi of Sir Ramgoolam. The ones planted by the Gandhi family are just a stone's throw away. Here in the green expanse, the green beauties planted by Rajiv, Sonia and Indira Gandhi sit a few metres away from one another on the path leading to the samadhi. The most arresting feature of the garden is the rectangular pond with lotuses peeping out from the giant round platter-shaped leaves.

Simply out of the world.

ploration by inking an agreement tomorrow that will help Mauritius tap its oil and gas resources.

Saran was also upbeat about finalising the Comprehensive Economic Partnership Agreement with the island nation by June-July. "The preferential Trade Agreement between the two will be ready by April," he said.

Concerned at the outbreak of a dengue-like disease in parts of the island, Kalam promised to airlift 5 lakh doses of mosquito repellents to Mauritius at the earliest.

# No cap on N-deterrent, insists PM

5/1  
Statesman News Service

NEW DELHI, March 11. — The Prime Minister, Dr Manmohan Singh, today assured both Houses of Parliament that the Indo-US nuclear deal does not put a cap on the country's strategic programme or compromises its minimum credible deterrence. Replying to a discussion on the Indo-US civil nuclear energy cooperation agreement, he said it would ensure "availability of adequate fissile material for our deterrence programme and does not undermine the independence of India's nuclear doctrine".

Dr Singh made it clear that the implementation of the Separation Plan into civilian and military nuclear facilities is "conditional" on amendment of US domestic laws and negotiations with the International Atomic Energy Agency on India-specific safeguards. "Until these arrangements are finalised, there is no question of separation," he said. Explaining that the strategic programme has not been "adversely affected", Dr Singh said confidentiality of the strategic programme was maintained during negotiations.

Dr Singh said India had not accepted the comprehensive safeguards acceded to by all non-nuclear weapon states with the IAEA. Rather, it will be negotiating an India-specific safeguards regime for its civilian facilities in perpetuity. Though he said the content of that regime would be difficult to predict as negotiations were yet to start, he said it would include assurances that fuel for civilian purposes would not be diverted and India would have the right to take "corrective measures" if the fuel supply was disrupted.

He also said India's right to take

## Call for moderation

NEW DELHI, March 11. — The Prime Minister today sought moderation of judicial activism and PILs and wondered whether there was a need to change laws to ensure criminal justice is delivered, an issue on which the Chief Justice of India felt the courts could not go beyond evidence presented to them. Dr Singh was addressing a conference of chief ministers and chief justices of High Courts here. In an apparent reference to the Jessica Lal murder case in which all the accused have been acquitted, he said the manner in which some cases are being prosecuted, particularly where cases fall because witnesses turn hostile or change their evidence, is worrying. **PTI**

"corrective measures" should also be read in the light of several US assurances of uninterrupted supply, to be incorporated in the final agreement.

He said while the Cirus reactor will be closed down by 2010, the French-procured fuel core of India's oldest research reactor, Apsara, will be moved to another location and brought under civilian safeguards. This has been done so that the Bhabha Atomic Research Centre which is of "strategic importance" does not come under international supervision. Dr Singh said that while Cirus had been refurbished recently, its associate costs would be more than covered by the use of its isotopes.

After the marathon discussion, the Left parties today suggested setting up of an all-party parliamentary committee to advise government on the Indo-US nuclear deal. The PM remained non-committal.

17 MAR 11 2011  
THE STATESMAN

# Election Commission issues notice to Amar Singh

Jaya Bachchan moves court for clarification on "office of profit"

Special Correspondent

NEW DELHI: The Election Commission on Friday slapped a notice on Samajwadi Party general secretary Amar Singh on a complaint, referred to it by President A.P.J. Abdul Kalam, seeking his disqualification from the Rajya Sabha on the ground that he is holding an office of profit.

He is the Chairman of the Uttar Pradesh Development Council.

Sources said the notice, on the complaint preferred by the editor of a Lucknow newspaper, asked Mr. Singh to reply by March 31.

Article 103 of the Constitution says: "If any question arises whether a member of either

• SP leader to reply by March 31

• I accepted post sans salary, honorarium, says Jaya Bachchan

• Tandon dismisses criticism

House of Parliament has become subject to any of the disqualifications mentioned in Article 102, the question shall be referred for the decision of the President and his decision shall be final. Before giving any decision, the President shall obtain the opinion of the Election Commission and act according to such opinion."

The EC has already recommended the disqualification of another SP Rajya Sabha member, Jaya Bachchan, for holding an "office of profit" as Uttar Pradesh Film Development Council Chairperson (UPFDC).

On Friday, she moved the Supreme Court seeking a clarification of the term "office of profit" under the Union and State Governments.

Ms. Bachchan, in her petition, urged it to define the circumstances or situation in which a person was deemed holding an office of profit. Before being elected to the Rajya Sabha, she had resigned as UPFDC Chairperson but under pressure from the State Government she again accepted the post sans salary or

honorarium, she said.

Talking to mediapersons here, Chief Election Commissioner B.B. Tandon deprecated political parties and leaders for criticising the EC on the Jaya Bachchan issue. The EC had given its opinion to the President as per the provisions of the Constitution. "It is below our dignity to answer these charges. We dismiss it with the contempt it deserves."

**Poll as scheduled**

Asked about West Bengal's request for rescheduling the Assembly elections as school examinations in the State were ending only on April 13, he said, "There will be no change in the schedule."

# "Bid to save Jaya Bachchan"

U.P. Opposition cries foul over Bill on "offices of profit" *parliament*

**LUCKNOW:** Amid Opposition protests, the Uttar Pradesh Assembly on Friday passed a Bill to exempt heads of corporations, boards and councils from being categorised as "offices of profit." This is seen as an attempt to prevent disqualification of its Rajya Sabha member Jaya Bachchan and others.

Members of the Bharatiya Janata Party and the Bahujan Samaj Party, opposing the U.P. State Legislature (Prevention of Disqualification) Act 1971 (Amendment) Bill, alleged that it was an effort to save the disqualification of some Parliament and Assembly members and termed the Bill "anti-constitutional and undemocratic."

They also strongly protested the implementation of the Bill



with retrospective effect from January 1, 2003.

However, the Treasury Bench was in a hurry to pass the Bill. No

Congress member was present.

Chief Minister Mulayam Singh Yadav, explaining the reason behind bringing this Amendment, said it was found that politicians were more sincere than bureaucrats.

Other prominent politicians who are likely to get reprieve from disqualification after the Amendment in the Act include Amar Singh and Shivpal Singh Yadav.

Congress Legislature Party leader Pramod Tiwari said although his party was not opposed to the Bill, it would certainly protest against implementation of the amendment from 2003.

The Bill, after approval of the legislature, would need the assent of Governor. — UNI

THE HINDU

# UP moves Bill for Jaya's housewarming

Our Political Bureau  
NEW DELHI

**S**AMAJWADI Party (SP)-led Uttar Pradesh (UP) government on Thursday pushed through a Bill in the Assembly that seeks to take away 79 posts, including the post of chairperson of the Film Development Council headed by Jaya Bachchan, from the list of offices of profit. This is done in an attempt to shield Ms Bachchan, who is facing the threat of disqualification from the Rajya Sabha.

The development means denial of power to 79 politicians. With Parliament, through an Act, capping the size of ministries to 15% of the strength of the Assembly, political parties have been using posts in state boards to appease politicians and MLAs backing the ruling regime. The UP government's decision to take these offices from the list of offices of profit will be a big blow to politicians manning these boards. It will also restrict the future government's plans to appease its MLAs.

At a time when there is a growing perception that politicians are just peacocks out for themselves, the development may be welcomed by the public.

In any case, politician-bashing is now a favourite national pastime as public office is seen as a source of power and profit. In Lucknow, the state Assembly passed the State Legislature (Prevention of Disqualification Amendment) Bill, 2006, by a voice vote amidst stiff opposition from BJP and BSP, whose resolution for referring the measure to a Select Committee was negated.

Congress members kept away during the Bill's passage. The passage of the Bill comes in the midst of a raging controversy following Election Commission's recommendation to President APJ Abdul Kalam for disqualification of Ms Bachchan, elected on SP ticket to Rajya Sabha, on the ground that she was holding an office of profit.

A number of ministers in UP also fear that they may be disqualified because they head state corporations, which could be considered "office of profit". Once the bill gets governor's approval, 79 posts of chairman, deputy chairman and directors of various corporations and public sector undertak-



ings will no longer be regarded as offices of profit and the word "allowances" payable to incumbents will be replaced by "honorarium".

Opposition members alleged the Bill was brought by the SP-headed coalition government to save some individuals, including an office of profit.

PARLIAMENT | BJP, Shiv Sena slam govt, forcing adjournment of both Houses; Speaker affirms resolve against terror

# Varanasi echoes in House, proceedings stalled

98-3 913  
ENS & PTI  
NEW DELHI, MARCH 8

**T**HE terror attack in Varanasi rocked the Parliament today as angry BJP-Shiv Sena combine shouted slogans against the government, forcing abrupt adjournment of both the Houses of Parliament for the day.

The agitated members trooped into the well soon after the two Houses assembled and raised slogans like "Jai har mahadev", "jai bharat" and "UPA government down, down", disrupting the proceedings.

Home Minister Shivraj Patil said the temple was "targeted understandably to cause communal tension in the country" and assured the Lok Sabha that government remained firmly committed to combating terrorism.

Strongly condemning the twin blasts in Varanasi yesterday as "senseless acts of violence", Lok

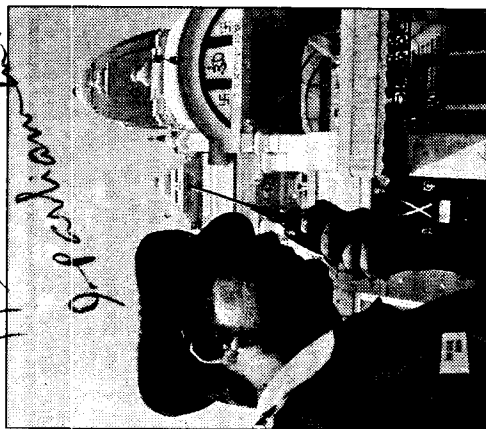
tions of society to maintain peace and calm.

Patil, who visited the blast sites along with Congress president Sonia Gandhi and met the injured in Varanasi hospitals, said everyone should ensure that such acts of terror by "some desperate anti-national elements" do not disturb peace and public order.

There was no change in the situation in both the Houses after they met at noon. The Rajya Sabha was adjourned by the deputy chairman within minutes after it re-assembled.

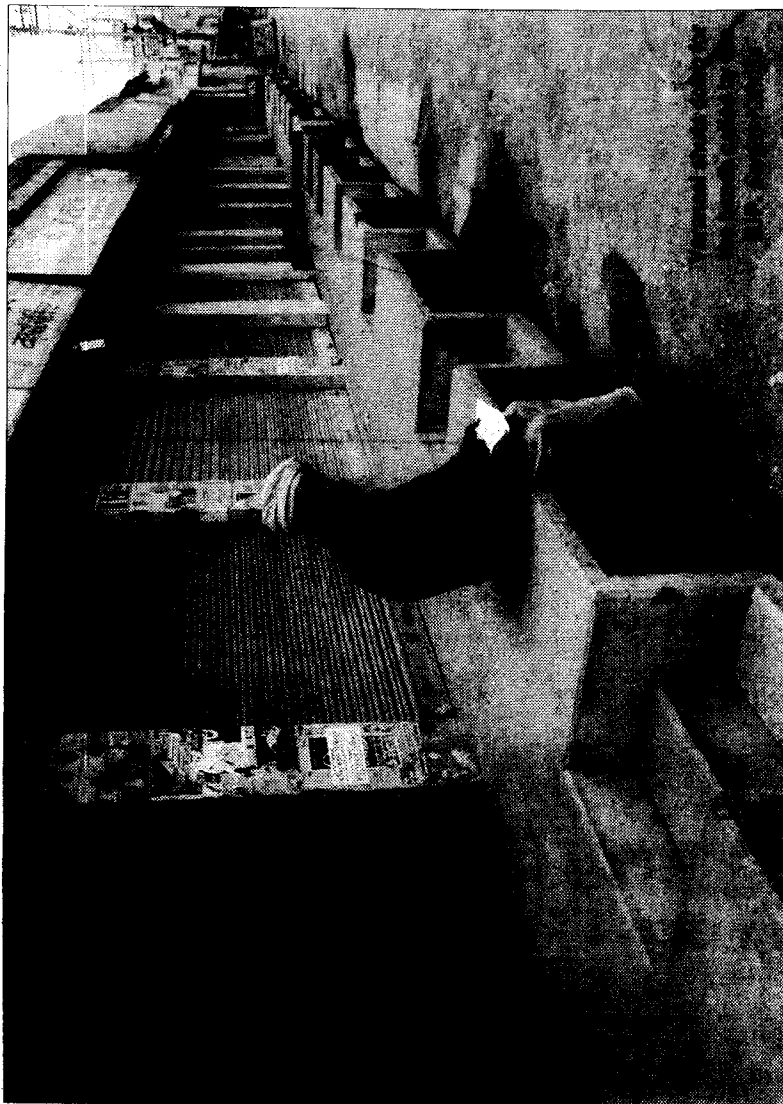
In the Lok Sabha, the Speaker ordered tabling of papers listed for the day despite BJP and Shiv Sena members again storming the well.

Parliamentary Affairs Minister Priyaranjan Dasgupta accused the BJP of playing politics on the issue and stalling Parliament for petty political gains.



Sabha Speaker Somnath Chatterjee affirmed the country's strong resolve to maintain peace and tranquility and unitedly fight terrorism and violence.

In Rajya Sabha, deputy chairman K Rahman Khan said such outrageous acts of terror were intended to "test our patience and secular credentials" and appealed to all sec-



# CONG BLAMED FOR BLASTS

# Parliament explodes

Statesman News Service

NEW DELHI, Mar 8. — Both Houses of Parliament were rocked today by the twin blasts in Varanasi as a belligerent opposition led by the BJP stonewalled proceedings, protesting against the incident and blaming the Congress-led UPA government for the terror blasts, thereby forcing their adjournments for the day. Blasts took place at the Sankatmochan temple as well as the city cantonment railway station last evening, killing about 20 people.

Both the Lok Sabha and the Rajya Sabha condemned the Varanasi terror attack and offered condolences to the victims kin, with the Speaker, Mr Somnath Chatterjee, and the Deputy Chairman, Mr Rehman Khan, making statements condemning this "heinous acts of violence". But immediately after observing a two-minute silence to mourn the deceased, BJP members were on their feet raising slogans of "Har har Mahadev" and "Jai Bajrang Bali". The Speaker's repeated pleas to restore order in the Lok Sabha and his assurance that he would allow a discussion on the matter were not heeded. After BJP members stormed the well, he adjourned the House till noon. The House witnessed similar pandemonium when it reassembled again. The House was adjourned for the day since the BJP-

## Probe demand

BANGALORE, Mar 8. — The All India Muslim Personal Law Board today demanded a judicial inquiry into the blasts in Varanasi and said "certain forces" were out to "disrupt communal harmony and promote hate-Muslim campaign in the country. — PTI

Shiv Sena combine appeared unrelenting in their vociferous protests.

In his statement made amidst the all-pervading din in the Lok Sabha, the home minister, Mr Shivraj Patil, who visited the Varanasi blast sites yesterday along with Mrs Gandhi and senior ministry officials, said "the (Sankatmochan) temple was targeted understandably to cause communal tension in the country." The Centre, Mr Patil stated, had reviewed the situation immediately after the blasts and the state governments have been sensitised to steep up vigil. He said that 103 have been injured in the incident. The government announced an ex-gratia of Rs 5 lakh for the next of kin of those killed and Rs 1 lakh for those injured seriously and Rs 50,00 for those with minor injuries.

The Rajya Sabha witnessed similar scenes. The House was adjourned till noon. When the House reassembled, the BJP members kept up their slogans. Legislative papers were tabled and then the Deputy Chairman adjourned the House for the day.



# No curb on nuclear facilities: Manmohan

Sees no adverse effect from India-United States deal and separation plan

40-1 873 9-Parliament



Manmohan Singh

Special Correspondent

**NEW DELHI:** Asserting that India's ability to sustain a minimum credible nuclear deterrent remains adequately protected, Prime Minister Manmohan Singh on Tuesday assured Parliament that the India-U.S. nuclear deal and the 'Separation Plan' of civil and military nuclear facilities will not adversely affect the country's strategic programme.

In identical statements in both Houses of Parliament, the Prime Minister said no constraint has been placed on In-

dia's right to construct new facilities for strategic purposes.

"The integrity of our Nuclear Doctrine and our ability to sustain a minimum credible nuclear deterrent is adequately protected," Dr. Singh said.

The Prime Minister announced that the CIRUS (Canadian-Indian-U.S.) reactor would be permanently shut down in 2010. The fuel core of the Apsara reactor was purchased from France and the Government was ready to shift it from its present location and make it available for placing under the International Atomic Energy Agency

(IAEA) safeguards in 2010.

Both CIRUS and Apsara reactors are located at the Bhabha Atomic Research Centre (BARC). "We have decided to take these steps rather than allow intrusive inspections in a nuclear facility of high national security importance. We are determined that such steps will not hinder ongoing research and development." In his 25-minute

suo motu statement on 'Discussions on Civil Nuclear Energy Cooperation with the United States: Implementation of India's Separation Plan,' Dr. Singh outlined the salient elements of

the Separation Plan, dwelt on the additional steps to be taken by the U.S. to guard against any disruption of fuel supplies to India and stressed the need to ensure energy security for the future.

Dr. Singh said the Separation Plan does not come in the way of the integrity of India's three-stage nuclear programme, including future use of the country's thorium reserves.

More reports on Page 22; Details of separation plan on Page 14

# Jaya Bachchan loses Rajya Sabha seat

**New Delhi:** Samajwadi Party on Monday suffered a setback when its MP and former actress Jaya Bachchan was disqualified as a member of the Rajya Sabha and a similar petition seeking to unseat another high profile member Amar Singh has been filed before the Election Commission.

Bringing to a close proceedings on a petition filed by one Madan Mohan, a losing candidate against her in the election from Uttar Pradesh, the Commission has recommended disqualification of Bachchan on the ground that she was holding an office of profit—chairperson of UP Film Development Board.

Under the constitution, the

India or in any state other than an office declared by parliament by law not to disqualify its holder.

Legal experts say that the President is bound by the EC recommendation which is notified in the official gazette. Madan Mohan had filed the complaint in October last and the commission had conducted hearings in the case in which Bachchan was represented by her lawyer.

Reacting to the decision, an angry Jaya Bachchan saw a Congress hand behind the complaint but party spokesman Rajiv Shukla denied it. She said she may move the court. "The complaint has come from Congress party. It is a shame that people

like us are not allowed to sit in parliament," Bachchan said accusing the political rivals of small mindedness.

Pointing out that she was a recipient of Padma Shri award while her husband Amitabh Bachchan was a Padma Bhushan like his father Harvanshirai Bachchan, she said she had not "grabbed" the Rajya Sabha seat from anyone.

The Samajwadi Party got another jolt when the commission received another reference from the President of a complaint for disqualification against its general secretary Amar Singh, who holds the post of chairman of UP State Development Council.



A visibly upset Jaya Bachchan with media persons at Parliament House in New Delhi

President decides whether a sitting member has incurred disqualification in consultation with the EC. Article 102 (1)(A) bars an MP from holding any office of profit under the government of

EC YET TO DECIDE ON AMAR SINGH FATE

# Office of profit unseats Jaya

Sr 1 9/3 Parliament

Statesman News Service

NEW DELHI, March 6. — In a major jolt to the Samajwadi Party, the Election Commission recommended disqualification of its Rajya Sabha MP, Ms Jaya Bachchan, wife of Amitabh Bachchan, for holding an office of profit as chairperson of the Uttar Pradesh Film Development Corporation.

A similar complaint has also been forwarded against another SP Rajya Sabha member, Mr Amar Singh, general secretary of the Samajwadi Party, who is holding the office of chairman of the UP Development Council. While the EC has not taken any decision on Mr Amar Singh, it has sent for Presidential reference the issue of Ms Bachchan's disqualification as an RS member from Uttar Pradesh.

Senior EC officials refused to divulge details in the case. "All this is communication between President House and the Election Commission and cannot be told to public," said a senior official. "But a complaint under Article 102 was referred to the Commission from the President House, on the basis of which the EC made inquiries and sent its recommendations to the



It is a shame that people like us are not allowed to sit in Parliament

Under the Constitution, the President decides whether a sitting member has incurred disqualification in consultation with the EC. Article 102 (1)(a) bars an MP from holding any office of profit under the Government of India or in any state, other than an office declared by Parliament by law, so as not to disqualify its holder. Legal experts say that the President is bound by the EC recommendation which is notified in an official gazette.

President," the official said. "As regards Mr Amar Singh, we are not aware of the complaint and are not in a position to give any details about it," he added.

After receiving the recommendations, the President House would send it to the home ministry to seek further details on it and it is only after receiving the reply from the home ministry that the President would disqualify any member on the basis of recommendations of the EC, said a senior official of the President House. He also did not give details of the recommendations from the EC. "This is confirmed that the President House has received recommendations from the Commission," the officer said. Meanwhile the UP government is contem-

plating legal action against the move, an official said.

The issue of Ms Bachchan, recipient of Padmashree, had been raised in June, 2004 when she was contesting the Rajya Sabha poll and had tendered her resignation from the UP Film Development Council, but after she was elected as a member to the Upper House, she was given the same post again.

Ms Bachchan said she had not been informed of the disqualification move by anybody and that the entire move is politically motivated. She said the complaint has come from the Congress. "It is a shame that people like us are not allowed to sit in Parliament," she said. The Congress refuted the charges.

07 MAR 2005

THE STATESMAN

# Manmohan for more talks on Iran

SF 1  
7B  
parliament

Statesman News Service

NEW DELHI, March 6. — Hours before the crucial meeting of the International Atomic Energy Agency (IAEA) Board in Vienna on the Iran nuclear issue today, the Prime Minister, Dr Manmohan Singh, made it clear that India favours a mutually acceptable compromise solution to the issue without any confrontation.

Referring to India's position at the IAEA meeting, Dr Singh told both Houses of Parliament that "The government's approach will be based on our consistent policy of promoting efforts for a resolution of issues through dialogue and discussions."

In the midst of escalating tension between the US/European countries and Iran over the latter's nuclear programme, the PM declared New Delhi's stand: "We do not favour confrontation, rhetoric or coercive measures as these only exacerbate tensions in the region and beyond."

Pointing to uncertainty over the outcome of today's IAEA meeting, Dr Singh made a reference to the resolution adopted by the IAEA meet last month that gave Iran a breather until today for resolution of the issue before the proposed referral to the United Nations Security Council. The PM also said there have been discussions between Iran and

Russia in this connection. "We remain hopeful that solutions acceptable to all sides will be found," he said while replying to the debate on India's vote at the IAEA on Iran's nuclear programme.

In a veiled message to the US and its European allies, the PM asserted that "India is not part of any international effort for regime change in the region," responding to clarifications sought by the members in the Rajya Sabha. Dr Singh also said confrontation must be avoided at all costs and diplomacy be given more time to resolve the Iran nuclear issue.

Several members of the Left parties and BJP in both Houses had argued that that foreign policy should be guided by national interests and not based on the position of other countries like the US. Answering their concerns, Dr Singh said, "The government has precisely done this" exercising "our independent judgment" and "keeping in mind our national interests," adding this is also "the very essence of the policy of the Non-Alignment." Speaking about his telephonic conversation with the Russian President Mr Vladimir Putin last night, Dr Singh said he stressed to Mr Putin that the Iran issue should be settled without resorting to "confrontation or coercive methods", adding that Mr Putin assured him that Russia has also been working on these lines.

Another report on page 2.

# Nuke separation India's call: PM

287  
Statesman, News Service

NEW DELHI, Feb. 27. — The Prime Minister, Dr Manmohan Singh, today told Parliament that India had proposed to put about 65 per cent of its functional nuclear power reactors in the civilian sector and would not place the Fast Breeder Reactor programme under international supervision.

Describing the negotiations to be at a "delicate stage", Dr Singh said while India had judged the American proposals on merit, "we remain firm in that the decision of what facilities may be identified as civilian will be made by India alone, and not by anyone else".

It seems increasingly likely that a civil nuclear energy agreement would be clinched during the visit of the US

President, Mr George W Bush, from 1 to 3 March, though negotiations on certain differences will persist. "Our proposed separation plan entails identifying in phases a number of our thermal nuclear reactors as civilian facilities to be placed under IAEA safeguards, amounting to roughly 65 per cent of the total installed thermal nuclear power capacity, by the end of the separation plan," Dr Singh said in a suo motu statement. He said that the prime imperative of reaching an understanding with the USA on civil energy cooperation was to overcome the energy deficit.

Currently, India has 15 nuclear power plants, with a capacity of generating about 3,600 megawatts — roughly three per cent of the country's electricity requirement. Dr Singh neither mentioned the seven nuclear

power plants under construction nor any other currently on the drawing board.

In fact, the US national security advisor, Mr Stephen Hadley, said in Washington on Friday that the sticking point in negotiations was the "ground rules" for future power plants.

Dr Singh, during a press conference with the French president, Mr Jacques Chirac, had said all future foreign acquisitions of reactors, would be placed under IAEA safeguards. Save the fast breeder programme, he was silent about the indigenous power reactors, though. Dr Singh said the matter of the type of IAEA safeguards also remained unresolved.

Dr Singh said that the USA was yet to fulfil certain assurances with regards to supply of fuel for Tarapur I and II that it had made in the 18 July,

be undermined or hindered by external interference", he said: "We will offer to place under safeguards only those facilities that could be identified as civilian without damaging our deterrence potential or restricting our R&D effort, or in any way compromising our autonomy of developing" the programme. Dr Singh said India was negotiating with the USA on four critical fronts — the broad contours of a separation plan, the list of civilian facilities, type of IAEA safeguards to be applied to civilian facilities and the nature and scope of changes expected in US domestic laws and NSG guidelines to enable full civilian nuclear energy cooperation with India.

Dr Singh assured Rajya Sabha members that "in preparing a separation plan, there has been no erosion of the integrity of our nuclear doc-

trine, either in terms of current or future capabilities".

Dr Singh noted that India has made it "clear that we cannot accept safeguards on our indigenous Fast Breeder Programme". He said one of the reasons other countries were interested in nuclear energy cooperation was the reputation enjoyed by Indian scientists and the advanced technology created by them "under the most difficult odds". "This gives us confidence to engage in these negotiations as an equal partner," he said.

The US Ambassador to India, Mr David Mulford, today said talks on the nuclear deal were continuing and "we are hoping to reach the agreement by the time President Bush visits here and every effort is being made to do so."

700 secret agents in Capital, page 4



**We will offer to place under safeguards only those facilities that could be identified as civilian without damaging our deterrence potential or restricting our R&D effort...**

2005 statement. In his speech today, asserting that the country's three-stage nuclear programme would "not

# Mulford to mend ways: PM

TIMES NEWS NETWORK

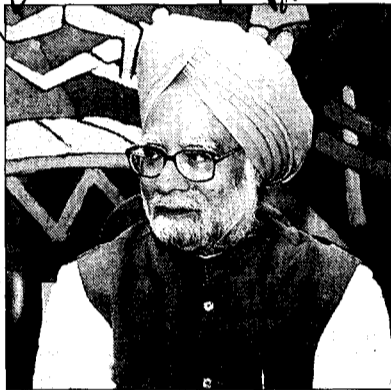
New Delhi: US ambassador David Mulford has given a "good conduct pledge" to government.

This was disclosed by Prime Minister Manmohan Singh in the Rajya Sabha on Wednesday responding to demands from members, angry with the US envoy for his indiscretion in writing directly to West Bengal chief minister Buddhadeb Bhattacharjee, for seeking the recall of Mulford.

In his reply, PM refused to accept the demand to seek the recall of the diplomat, though he agreed that he had deviated from "normal diplomatic practice". The PM, however, agreed to the Marxists' demand for a debate on the privatisation of airports.

Mulford had taken exception to Marxist chief minister's calling US president George Bush leader of a pack of killers, and said that it could have a fallout on West Bengal's attempt to woo foreign investors.

The government had come under pressure from all parties, particularly from the Left parties on the controversial letter of Mulford to Buddhadeb Bhattacharjee. Even as the PM was winding up his speech, CPM MPs Brinda Karat and Nilotpal Basu demanded that government should press for Mulford's recall as he had done such a thing "twice". Manmohan Singh, however, refused to accept the demand



## Cartoon row: PM for self-restraint

PM Manmohan Singh has appealed to all political parties to "exercise utmost restraint" in dealing with the controversy surrounding the Danish cartoons on Prophet Mohammad. Speaking in the Rajya Sabha, the PM observed that his government was "deeply concerned" about the growing anguish of Muslims all over the world about the disparaging and offending cartoons in the Danish media. He said his government had conveyed its outrage to the Danish government in October itself both here and in Copenhagen. He said "we conveyed our concern over the lack of sensitivity" of the concerned newspaper and sought an apology. TNN

## Come clean on Q, Oppn tells Singh

New Delhi: The government on Wednesday got isolated in both Houses of Parliament with BJP and Left closing ranks in assailing it for "going out of its way" to help reopen Bofors accused Ottavio Quattrocchi's two frozen accounts in a London bank. The Quattrocchi shadow loomed with the opposition asking Prime Minister Manmohan Singh to explain the extraordinary decision of his government to facilitate the defreezing process. In an unusually rare solidarity, the BJP and CPM in the Upper House piloried the government asking it to come clean on defreezing the Quattrocchi accounts.

Raising the issue during zero hour, L K Advani wondered why the government had gone out of his way to help out the "friend of Sonia's family" to take back the money blocked in London at the behest of CBI. The government later stated its readiness to table all sensitive documents regarding the Quattrocchi affair to "clear once and for all" that it had no role in it. TNN

# House slams Mulford

HT Correspondent  
New Delhi, February 20

THE "GO-BACK MULFORD" crusade rocked both Houses of Parliament on Monday with the Left walking out in protest against the US ambassador's comments on Iran and his letter to West Bengal chief minister Buddhadeb Bhattacharjee. With UPA allies DMK and RJD also stomping out and the BJP furious at the envoy's remarks, the campaign appears to have picked up steam.

The BJP described Mulford's remarks as a "total violation of existing diplomatic norms" while the Left reiterated the demand for his recall. A few Left leaders even asked the government to declare him persona non grata. Leader of Opposition in the Rajya Sabha Jaswant Singh demanded that the government spell out its stand. "The members must be informed whether the government had taken note of the envoy's remarks or not and if not, the reasons for this," he said.

The envoy's act of writing to the West Bengal Chief Minister Buddhadeb Bhattacharjee after he criticised US President George W Bush at a CPM sponsored rally has also outraged the parliamentarians.

Raising the issue in the Lok Sabha, CPM leader Basudeb Acharya accused the US ambassador of transgressing diplomatic limits. Gurudas Dasgupta suggested that India should make it clear to US President George W. Bush when he comes to India that he should let his envoy "go back immediately, bag and baggage". BJP's deputy leader Vijay Kumar Malhotra wondered how the government had succumbed to the envoy's pressure. Speaker Somnath Chatterjee's requests for restraint fell on deaf ears.

Similar sentiments were expressed other MPs, including Brajakishore Tripathi of BJD, Ram Gopal Yadav of the SP and D.P. Yadav of the RJD.

In the Rajya Sabha, CPM member Nilotpal Basu accused the envoy of functioning like a viceroy. Sitaram Yechury was harsher, as he reminded Mulford that India was not a banana republic. Parliamentary affairs minister P.R. Das munshi said he would convey the sentiments of the MPs to the PM.

UP IN ARMS



## OUTRAGE

India is not a banana republic. The US must understand that

Sitaram Yechury, CPM

Bush should let his envoy go back, bag and baggage

Gurudas Dasgupta, CPI

Mulford's remarks are a complete violation of diplomatic norms

Jaswant Singh, BJP

## 'Nuke deal almost through'

S. Rajagopalan  
Washington, February 20

HE MIGHT not follow Bill Clinton in dancing with village belles in Rajasthan and he will spend far less time in India but on substance, diplomatic sources say, the Bush visit will deliver.

A question mark still hangs over the most visible issue in the public domain — the nuke deal — but here again, hopes have been raised by a last ditch bid on the anvil. Undersecretary of State Nicholas Burns, who is set to visit Delhi this week to resolve the deadlock over the separation plan, has now gone on record saying: "We are 90 per cent of the way there...we've just 10 per cent to go." In an interview to *Newsweek*, he commented: "And as long as both of us show flexibility in the details, I'm confident that we will come to an agreement."

Echoing Clinton's remarks in New Delhi, a senior diplomat said the nuke deal should not be treated as the "lynchpin" of the Bush visit. For, a whole range of initiatives are under way in areas identified Bush and Singh.

The White House is still to formally announce Bush's itinerary. But the visit will be a three-day affair, with Bush arriving in Delhi on March 1 evening and leaving for Islamabad on March 4 morning. The Indo-US CEOs Forum is expected to present to the two leaders in New Delhi their report to give a decisive push to bilateral trade and investment.

PARLIAMENT | 'Ties with Iran civilizational...can't turn blind eye to security implications of clandestine proliferation'

# PM draws line: Iran's rights vs India's security

EXPRESS NEWS SERVICE  
NEW DELHI, FEBRUARY 17

**U**NDER strident attack from his Left allies on India's vote against Iran at the IAEA, Prime Minister Manmohan Singh today explained to both Houses of Parliament why and how his Government's stand on Iran has and will be consistent with "our own well-considered and independent judgment of our national interests."

Admitting that the Government needs to balance "several important considerations," the Prime Minister identified two key factors that

shaped India's position. One, upholding Iran's rights and obligations and, two, "our security concerns arising from proliferation activities in our extended neighbourhood."

Without making any direct reference to Pakistan or the AQ Khan network, the Prime Minister made it clear that their suspected role in Iran's clandestine nuclear programme was of particular concern to India.

Citing the IAEA Director General's report, Singh said there remain "many unresolved questions on key issues," including the use of centrifuges imported from third countries, and designs

aware," the PM went on to say, "that the source of such clandestine proliferation of sensitive technologies lies in our own neighbourhood, details of which have emerged from successive IAEA reports. This august House will agree that India cannot afford to turn a blind eye to security implications of such proliferation activities."

The Prime Minister's statement sought to strike a balance between India's "traditionally close and friendly relations" with Iran and India's concern over its nuclear proliferation.

At the same time, the Prime Minister repeatedly stressed

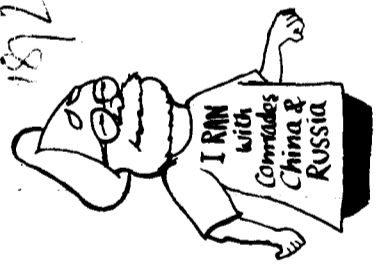
the importance he ascribed to cooperation with Iran, the importance of India's fraternal ties, "respect and admiration" for Iranians that "go back several millennia," adding that "we have every intention of ensuring that no shadow is cast on these bonds."

In this context, he reiterated India's commitment to the proposed Iran-Pakistan-India gas pipeline adding a cautionary note: "The economics of this project is currently under professional investigation by internationally reputed consultants."

Defining the relationship with Iran as one that spans

## Business as Usual

By UNNY



relating to fabrication of metallic hemispheres.

"Hon'ble Members are

## How Singh walked the Tehran tightrope

### Bilateral Ties

- Our relationship civilisational, want to strengthen, expand them
- Great respect and admiration for Iranians
- Committed to Iran-Pak-India pipeline

### Iran's makes

- As NPT signatory, Iran has right to develop peaceful uses of n-energy but has to exercise these rights under IAEA safeguards it has accepted
- In 2004, it suspended all enrichment, reprocessing but since August 2005 has resumed it
- Unresolved questions: centrifuges from third countries, clandestine proliferation from sources in neighbourhood

### Vienna Vote

- All P-5, including Russia and China backed the resolution, so did key NAM members Argentina, Brazil, Egypt, Ghana, Singapore, Yemen and Sri Lanka



CONTINUED ON PAGE 2



# MPLADS is constitutionally valid, court told

**"Enough safeguards in revised guidelines"**

J. Venkatesan

**NEW DELHI:** The Government on Thursday told the Supreme Court that the Member of Parliament Local Area Development Scheme (MPLADS) was constitutionally valid notwithstanding the misuse of powers in its implementation.

Additional Solicitor-General Mohan Parasaran submitted before a three-Judge Bench, comprising Chief Justice Y.K. Sabharwal, Justice C.K. Thakker and Justice P.K. Balasubramanian, that there were enough safeguards in the revised guidelines issued by the Government in November 2005 to prevent misuse of the scheme.

The Bench was hearing a batch of petitions questioning the constitutional validity of the scheme, introduced in 1993.

## 'Improved upon'

Mr. Mohan Parasaran said: "Merely because there are some irregularities in the implementation of the scheme it cannot be said that the scheme itself is bad and not constitutionally valid."

When the Bench pointed out that "there was no accountability if the MP makes a wrong choice of the project," he said, "The guidelines could be improved upon."

As per the new guidelines, a major chunk of the amount under the scheme could be spent only for providing infrastructure such as drinking water and it was mandatory to earmark a certain percentage of the funds for development of areas dominated by Scheduled Castes and Scheduled Tribes. As the scheme was implemented after the passing of the Appropriation Act, there need not be a separate law for the scheme, he said.

Earlier, appearing for Lok Sevak Sangh, counsel Prashant Bhushan contended that with MPs not being accountable, it was turning out to be a massive fraud on the public exchequer. He alleged that funds allotted under such schemes were being grossly misused and caused an annual loss of over Rs. 1500 crore to the public exchequer.

Mr. Bhushan brought to the

17/12  
17/12  
of Parliament

- The scheme is not bad because of irregularities in its implementation

- It is a massive fraud on the public exchequer, says counsel

notice of the court the recent sting operation by a TV channel in which MPs were shown taking bribes from contractors for award of project works under the development schemes. When he pointed out that some MPs sanctioned funds to Election Commissioner Navin Chawla's two trusts, the Bench asked "How is it possible?"

Counsel said the scheme, modified in 2002, allowed grant of funds to private societies and NGOs.

He quoted from a report of the Comptroller and Auditor General of India (CAG) for the period 1998-2000 and pointed out various irregularities in implementation of the scheme and diversion of funds to unscrupulous elements.

The Bench, after perusing the CAG report, said "funds seemed to be diverted to private clubs, sports complexes, floriculture on private lands and private schools." It agreed with counsel that ad hoc financing of any project would adversely affect the development schemes as well the quality of work.

Senior counsel K. K. Venugopal, appearing for Panthers Party leader Bhim Singh, said by giving powers to MPs to implement the projects, the executive powers had been taken over by the legislatures, which was against the Constitutional scheme. Under the Constitution, all money from the consolidated funds for development scheme had to be sanctioned by the Centre. Selection of projects for public purpose was the sole prerogative of the executive and the same could not be delegated to the legislatures unless Parliament made statutory provisions for it.

Further arguments will continue next week.

# House heads rally around LS Speaker

*Apex court's notice not called for, says Somnath Chatterjee*

VINOD Sharma and SAROJ Nagi  
New Delhi, February 4

PRESIDING OFFICERS of the legislative bodies overwhelmingly backed Lok Sabha Speaker Somnath Chatterjee's defence of the legislative space in the Constitutional scheme at a conference on Saturday. The Speaker had convened the conference to evolve a countrywide consensus on the legislature not responding to court notices in the recent MPs' expulsion cases.

The meeting unanimously resolved that the Speaker and Rajya Sabha Chairman should neither accept the court notices nor respond to them. Somnath was pleasantly surprised to see even Assembly Speakers from Opposition-ruled states throw their weight behind him on Parliament's exclusive right to act against members violating their privileges. The expelled MPs are accused of accepting money to raise queries in the two Houses.

BJP's Inder Singh Namdhari went to the extent of extolling the Speaker as "a modern day Bhishma Pitamah" who excelled even the mythological icon who had watched the disrobing of Draupadi in silence. The Jharkhand Speaker said the courts seem to have concluded that they were the supreme institution, a position that does not recognise that every constitutional organ is supreme in its sphere.

Himachal's Ganguram Musafir wondered on what basis the courts were seeking a role in the MPs' expulsion case when their own in-house mechanism provided for judges' collegiums for taking up complaints against errant colleagues.

Another presiding officer complimented Somnath for taking up the cleansing process, which no other institution has undertaken so far.

Interestingly, at the all-party meeting that Somnath had convened on January 20 after a court served notice on him, the BJP's Central leadership, while going along with the consensus of not responding to the court notices, had suggested that the Speaker should get Parliament's position conveyed through a lawyer. Eventually, it did not press the issue when even NDA allies, like the JD(U), disagreed with the proposition.

Speaking to newsmen after the conference, attended by all states except Gujarat, Kerala, Tamil Nadu, Uttaranchal and Pondicherry, the Speaker said he was not for confrontation, but it would have been proper if the judiciary had first decided if it had the constitutional authority to go into the expulsion of MPs.

"The space and functions of the legislature, executive and judiciary are defined by the Constitution," he said, disclosing that he had consulted legal experts on the matter. He also pointed out that the present situation had arisen not because the House had challenged the court's decision but because the court had challenged the House's decision.

- 5 FEB 2000

THE HINDUSTAN TIMES

# Point of order

Parliament needn't assert its authority by giving up good form. Or a good chance

**L**OK SABHA Speaker Somnath Chatterjee has not been able to make clear what irreparable damage would have been wrought had he responded to the Supreme Court notice on the cash-for-questions issue. Even if Parliament's verdict on its errant members, and indeed any parliamentary decision on legislative do's and don'ts, is taken as final and unquestionable, and even if the Supreme Court's notice is considered therefore as a case of an institution overstepping its brief, there is a good case for maintaining good form.

That means, as some of the country's best legal brains have argued, the Speaker could have replied to the notice and argued, via a counsel if necessary, that the court simply had no business hearing the matter. How would that have grievously damaged Parliament's independence? Debates about judicial activism are not new, nor are MPs the only self-perceived victims. True, Parliament being a representative democracy's most important forum is far from being an ordinary 'victim'. But the Supreme Court, which interprets the Constitution,

is equally not an ordinary interrogator. That the two institutions may clash from time to time is inevitable and perhaps even healthy. But those differences must be mediated by basic courtesy.

The second point Chatterjee seems to have missed is that two existing and conflicting high court judgments on the issue of expelled legislators arguably create both a precedent for formal House responses and an opportunity to settle the issue. If, as jurists like Fali Nariman have suggested, the Supreme Court does take the suo motu route to arrive at a conclusion, Parliament may then appear to be less than reasonable. There's another issue as well: the assumption that parliamentary verdicts on its members will always pass logical and ethical muster. Consider a House where the treasury benches have a brute majority, and expediency gets the better of reason and morality in an expulsion case. Where does an affected MP then go for redressal? This doesn't necessarily mean the courts can intervene. But it does mean Speakers must broaden their concerns.

27 JAN 2006

INDIAN EXPRESS

# Panel suggests harsh action against MPs

HT Political Bureau  
New Delhi, December 21

THE FIVE-MEMBER House committee that probed the "cash-for-questions" scam submitted its report to Lok Sabha Speaker Somnath Chatterjee on Wednesday, reportedly recommending harsh action against the 10 MPs caught on tape.

The specifics in the report weren't immediately known as the proposals of the panel, headed by the Congress' P.K. Bansal, have to be first intimated to the House.

Given the public perception of the scam, followed by another relating to the MPLADs scheme, the chances of the tainted lot being let off lightly are remote. Even MPs critical of the media's tactics feel that Parliament should seem to be acting decisively by meting out exemplary punishment, including expulsion from the House.

Sources said Bansal alone met the Speaker in his chambers to submit the report. It's due to be tabled in the House on Thursday.

"Action, if necessary, on the panel's recommendation will be taken on December 23," a source said. Parliament's winter session will come to a close on Friday, which is also the deadline for the Rajya Sabha's ethics committee to tender its conclusions on the allegations against Chhatrapal Singh Lodha, the only member of the Upper House implicated

in the Aaj Tak-Cobrapost sting operation.

The constitution of a special House committee, even when the Lok Sabha has a permanent ethics panel and a privileges committee, has given rise to questions whether it was done in line with the procedures established by law. The counter-view, however, is that the sanctity or legality of Bansal's panel cannot be questioned because it was constituted

as part of the collective decision of the House in the face of the scam.

In all probability, the House, while passing a verdict against the MPs, will drive home the harm done by their actions to the dignity of Lok Sabha, meaning a breach of privilege of the House.

The House committee filed its report despite some members' view that they should have been given a more flexible timeframe to finalise their report.

Earlier, the Speaker had asked the implicated MPs to stay away from the House. BJP's Fagga Singh Kulaste, named in the MPLAD scandal, wrote to Somnath saying he would not enter Parliament unless his name was cleared. "I am ready to face any probe. I urge you, when I am proved innocent, that Lok Sabha launch legal proceedings against STAR News for lowering the dignity of the House," he said in his letter. In another letter to Advani, he asked the party to investigate the matter and expel him if found guilty.

Another report on Page 2



# Mess of MP scheme

**RADHIKA RAMASESHAN**

**New Delhi, Dec. 21:** The jury is still out on whether the scheme under which MPs are given money to develop their constituencies should be scrapped after STAR News showed seven MPs demanding or accepting bribes to sanction projects.

But an audit report drawn up as far back as 1998 had found that almost all the guidelines that are supposed to govern the MP local area development scheme have been flouted. Excerpts from the damning report:

**Guideline:** Don't engage private contractors. District collectors and panchayats should implement projects or commission handpicked NGOs.

**Reality:** In 182 cases, projects involving Rs 2.72 crore were entrusted to contractors. In some cases, MPs themselves were the sponsors.

**Guideline:** If the MP changes, the continuity of the projects should be maintained.

**Reality:** Between 1994 and

1997, 802 works in 33 districts of 15 states were either abandoned or left unfinished. The damage: Rs 5.75 crore.

**Guideline:** Implement projects recommended only by the MP.

**Reality:** Between 1993 and 1997, Madhya Pradesh alone accounted for 4,123 cases involving Rs 45.23 crore that were not sanctioned by MPs. From January 17 to May 12, 1997, the Patna collector okayed 13 schemes involving Rs 95.86 lakh. Part of the money was used to repair a road the scheme did not cover.

**Guideline:** Don't use the money to give grants and loans to any organisation.

**Reality:** Some collectors diverted Rs 17 crore for loans and grants.

**Guideline:** No places of religious worship shall be funded or built with the money.

**Reality:** As many as 64 projects with some religious link were executed at Rs 58.75 crore. The projects include a Hindu sect's community hall in Imphal, the platform of an Idgah in Medak, *dharamsha-*

*las* in Orissa and the "beautification" of a temple in Almora.

The litany of lapses forms the central theme of an exhaustive study carried out by Era Sezhiyan, a veteran parliamentarian and a founder member of the DMK. He is a former chairman of the Public Accounts Committee and was associated with several parliamentary panels when he was an MP.

Titled, "MPLADS: Concept, Confusion, Contradictions", Sezhiyan's report concludes that the "greatest" damage done by the scheme was to "obstruct the process of decentralisation of authority and resources towards the emergence of village-level self-governments".

Lok Sabha Speaker Somnath Chatterjee, said to be in favour of ~~disbanding~~ the scheme, reportedly shares Sezhiyan's view. The Speaker has taken the initiative to convene a dinner meeting of top politicians in the country to discuss the fate of the scheme.

■ Money minus accountability, Page 6

ALL PARTIES WITH SPEAKER SAVE BJP

# SC notice to be sent back

21/1 5-1  
Statesman News Service

NEW DELHI, Jan. 20. — Even as the Lok Sabha Speaker, Mr Somnath Chatterjee, today said he would respectfully return a Supreme Court notice on a petition filed by 11 MPs against their expulsion from Parliament, the BJP insisted that he should respond to it for the sake of constitutional and legal clarity.

At an all-party meeting called by the Speaker today to formulate a response to the Supreme Court summons, most of those present asked him "neither to accept nor respond" to it. Political parties represented by about 25 leaders attended the meeting. They said the Speaker did not need to present himself in court.

Buoyed by majority political support, Mr Chatterjee later said he would stick to his earlier stand that the judiciary had no say in the functioning of Parliament. He, however, said he did not want any confrontation with the judiciary. He said the roles of Parliament and the judiciary were well defined in the Constitution and "let us keep our *Lakshman rekha*". Mr Chatterjee earlier held wide-ranging discussions on the legal implications of the court notice with eminent lawyers.

Striking a disharmonious chord, the BJP's Mr VK Malhotra, however, said it would be in the fitness of things, for the Speaker's office to appoint an advocate to put forth its views on the MPs' expulsion. The party is of the view that there is no harm in the Speaker letting his views be known to the Supreme Court, as it would obviate a direct confrontation between the two. Ten Lok



Sabha members and one from the Rajya Sabha were expelled last month following an inquiry by House committees into a cash-for-query scam.

The MPs were secretly photographed whilst taking money. One of the expelled MPs challenged the Parliament committee's decision in the Supreme Court. The court subsequently referred the matter to a Constitution Bench, which issued notices to the Speaker, government and the Attorney-General.

Earlier, in his address, Mr Chatterjee told the party leaders the dispute was focused less upon the Speaker than upon members. He said the Constitution allowed no unit of the state over-riding powers at the expense of the others.

Harmonious relations between all the organs of the state were to be tried for. He said the government might respond to the court notice sent to it but he did not want to authorise it to give its views either on his behalf or on behalf of Parliament.

# Parliament's powers: BJP for middle path

SC to be conveyed that House cannot be under scrutiny

**SHEKHAR Iyer**  
New Delhi, January 16

THE BJP is for adopting a middle path on the ticklish issue of powers of Parliament and that of the judiciary on matters relating to its members, proceedings and ethics. It is likely to counsel the Lok Sabha Speaker and the government to convey "politely" to the Supreme Court that the House cannot be subjected to scrutiny on the issue of expulsion of its members.

Although the party is upset with the Speaker and the government for expelling the MPs who were caught on camera accepting money for asking questions without a probe by the House's privileges panel, BJP leaders say they want the court's notice to be "politely turned down".

As the apex court referred the issue to the Constitution Bench and issued notices to the Speaker and the government, BJP leaders said a confrontation with the judiciary should be avoided while conveying to it about the supremacy of Parliament in such matters.

Central to the issue is Article 105 of the Constitution. The question is, as observed by the apex court, whether the powers or provisions in Article 105 include the power or not to expel the members of Parliament from the membership of the House.

A senior party functionary said the issue of powers of Parliament cannot be allowed to be diluted. At the same time, no purpose would be served by a confrontation with the judiciary — on a matter such as the expulsion of the members of Parliament. The powers of Parliament would have to be put before the apex court in a "non-confrontationist"

## CASH-FOR-QUERY SCANDAL

manner. He said BJP leaders would convey the party's position to the Speaker and Prime Minister Manmohan Singh, who was not inclined to follow a course of confrontation with the judiciary.

The Speaker had invited leaders of all parties for a discussion on January 20 following the Delhi High Court issuing a notice to him on the expulsion of nine members of Parliament for the cash-for-query scam.

The BJP expects the Speaker to ask his secretariat to tell the apex court that his office cannot accept a notice on an issue, which is in Parliament's domain.

Eventually, the party leaders foresee the appointment of an amicus curiae to assist it on the issue when regular hearing takes place following the setting up of the Constitution Bench.

There were differences within the BJP soon after the expulsion of the members of Parliament. While, in the Rajya Sabha, the party did not openly oppose the expulsion of a lone BJP MP for the scam, BJP leaders staged a walkout in the Lok Sabha when 10 MPs were shown the door.

The new BJP set-up led by Rajnath Singh is against sending out any message that shows the party being soft on "tainted" MPs. The RSS is now willing to back this approach although it was not too happy that the trapped members of Parliament were not given a chance to explain their stand.

## Panel begins probe

A PARLIAMENTARY probe panel on Monday began investigations into a sting operation on corruption among members of Parliament in the Member of Parliament Local Area Development (MPLAD) scheme and decided to call the editor of the electronic channel on January 25.

The task of the committee — headed by senior Congress MP P.K. Bansal — assumes significance since the earlier such probe in the "cash-for-query" scam has resulted in the expulsion of as many as 10 Lok Sabha members. A similar probe in the Rajya Sabha saw one member being removed from the Upper House.

At its first meeting on Monday, the Bansal inquiry committee constituted by Lok Sabha Speaker Somnath Chatterjee also decided to view the footage that day, sources said.

The panel has been asked to submit its report by January 31.

The meeting, chaired by Bansal, was attended by V.K. Malhotra (BJP), Md Salim (CPI-M), Devendra Prasad Yadav (RJD), K. Kuppuswamy (DMK), Ram Gopal Yadav (SP) and Prasanna Acharya (BJD).

In *Operation Chakravayuh*, Star News had shown former Congress chief minister and Congress MP Churchill Alemao, former Union minister Fagan Singh Kulaste (BJP) and Ramswaroop Koli (BJP), Paras Nath Yadav (SP), Sakshi Maharaj (Rashtriya Kranti Dal supported by SP), and Isan Singh (BSP) involved in corruption in allotting work for the MPLAD scheme.

PTI, New Delhi

1 JAN 2008

THE HINDUSTAN TIMES

# Parliament, judiciary face-off likely this week

HC Judgment in New Delhi

Jan. 15. — Who is supreme, Parliament or judiciary? This question could well preoccupy public consciousness as the Supreme Court takes up tomorrow a petition challenging the recent expulsion of scam-tainted Lok Sabha members.

The petition has been filed by Raja Ram Pal of BSP. More petitions have been filed by some expelled members, involved in the "cash-for-query" scam, in either the Supreme Court or Delhi High Court.

In a development that would again raise the question of supremacy of the Parliament over the judiciary, Delhi High Court last week had issued notices to Lok Sabha, Rajya Sabha, Centre and the Election Commission on petitions filed by eight of the 11 expelled MPs challenging their expulsion.

The MPs who moved the High Court are the lone Rajya Sabha MP,

Chhatrapal Singh Lodha of BJP and Lok Sabha members Suresh Chandel, Pradip Gandhi, Yashwant Giridhar Mahajan, Anna Saheb M K Patil, Chandrapratap Singh (all BJP), Manoj Kumar (RJD) and Ram Sevak Singh (Cong).

Lok Sabha Speaker Mr Somnath Chatterjee argued that courts do not have jurisdiction in the matter. "I cannot stop anyone from going to court. But according to me, the courts have no jurisdiction at all in the matter. Any order is not binding. I am not surrendering or submitting to the jurisdiction of the courts on this issue at all," he was quoted as saying in a published interview.

He also said that he had held consultations with eminent lawyers who agreed with his stance that the Parliament was fully competent to take action against its members and that courts had no jurisdiction over it. He said in the interview that Parliament had the authority under the Constitution to decide how to

discipline its errant MPs. "In this matter, under the Constitution, Parliament is the supreme authority," the Speaker, who is also an eminent lawyer, was quoted as saying.

It was also reported that the secretary-general of both the Houses would not respond to the court notice though there was no official word on this till date. The developments so far point to exciting developments that bristle with the possibilities of a Parliament versus judiciary confrontation. Another interesting aspect of the case could be the Election Commission's right to hold elections to the vacated seats.

The Commission is believed to have opined that there is no legal bar on holding elections to fill the vacancies notwithstanding petitions. Still, the EC would "wait and watch," say sources, stressing that it would like to measure the ground before proceeding in the matter. The EC's attitude clearly indicated that it would follow the case in court, said experts.



# Speaker Calls All-Party Meet On HC Notice

Our Political Bureau  
NEW DELHI 10 JANUARY

**L**OK Sabha Speaker Somnath Chatterjee has convened an all-party meeting on January 20 to discuss Parliament's response to the Delhi High Court notice on a petition by sacked MPs, involved in the cash-for-questions scandal, challenging the decision to expel them.

The decision to call the all-party meeting is seen as the effort of Mr Somnath Chatterjee, who has refused to reply to the court notice citing the primacy of Parliament, to hammer out a political consensus on his stand. This suits the Centre as it can cite political consensus for the decision. "Since the court has given notice in the matter, an all-party meeting has been called in New Delhi on January 20 to discuss the situation. I want to discuss the issue with different political party leaders," Speaker Chatterjee told reporters in Kolkata.

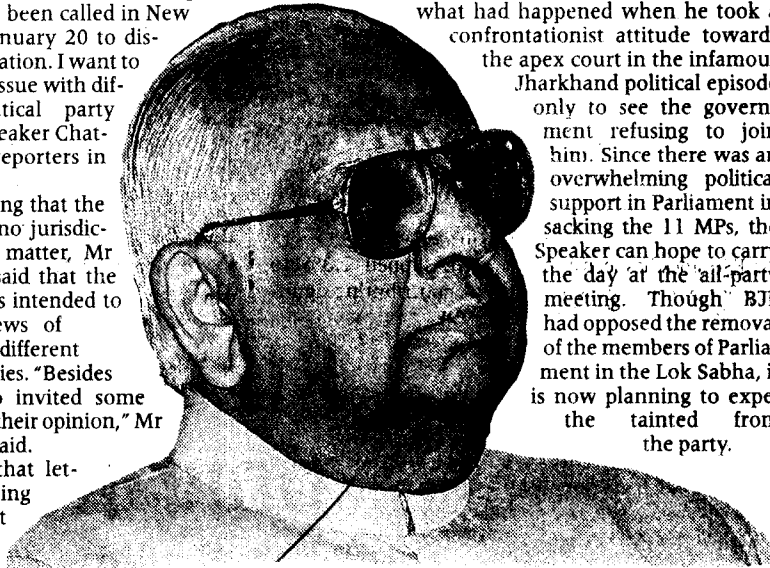
Maintaining that the courts had no jurisdiction in the matter, Mr Chatterjee said that the meeting was intended to get the views of leaders of different political parties. "Besides I have also invited some lawyers for their opinion," Mr Chatterjee said.

He said that letters inviting different parties to attend had

already been sent and he also had a talk with the defence minister Pranab Mukherjee, who is the leader of the House in Lok Sabha. The Delhi High Court had on Monday issued notices to the Lok Sabha and Rajya Sabha secretariats, Election Commission and the Centre on petitions by eight of the 11 members of Parliament challenging their expulsion in the cash for questions scam.

The "unanimous view", which the Speaker is exploring should help the Centre more than his office at this juncture as the government leadership will be more than keen to dispel any impression of indulging in a confrontation with the judiciary. The fact that Mr Chatterjee this time chose to seek a wider political consultation and perhaps a consensus on the issue shows he is keen to avoid any repetition of what had happened when he took a confrontationist attitude towards the apex court in the infamous

Jharkhand political episode only to see the government refusing to join him. Since there was an overwhelming political support in Parliament in sacking the 11 MPs, the Speaker can hope to carry the day at the all-party meeting. Though BJP had opposed the removal of the members of Parliament in the Lok Sabha, it is now planning to expel the tainted from the party.



1 JAN 2005